MEMOIRS

OF

D. HOWARD SMITH.

Engd & Ptd by Homer Lee & Co. N.Y.

Faithfully Yours
D Bowen Smith

LIFE, ARMY RECORD,

AND

PUBLIC SERVICES

OF

D. HOWARD SMITH.

BY

SYDNEY K. SMITH.

"What shall I do lest life in silence pass? And if it do,
And never prompt the bray of noisy brass, what need'st thou rue?
Remember, aye, the ocean deeps are mute; the shallows roar;
Worth is the ocean—fame is but the bruit along the shore."

"What shall I do to be forever known? Thy duty ever
Thus did full many who yet slept unknown. Oh, never, never!
Think'st thou perchance that they remain unknown whom thou know'st not?
By angel trumps in heaven their praise is blown—Divine their lot."

—[*Schiller.*

LOUISVILLE, KY.
THE BRADLEY & GILBERT COMPANY.
1890.

Rare Books
LC 8vo
E
564.6
5th
.S45
1890

Entered according to act of Congress, in the year 1890, by

MRS. JOSEPHINE L. SMITH,

In the office of the Librarian of Congress, at Washington, D. C.

TO

HIS MOST FAITHFUL FRIEND—

THE NOBLE WOMAN HE LOVED SO WELL,

AND

THE SURVIVORS OF THE BRAVE MEN WHO SHARED WITH

HIM THE HARDSHIPS OF THE MARCH

AND THE PERILS OF THE

BATTLE FIELD,

THIS WORK IS GRATEFULLY INSCRIBED.

Restricted Area

923.2
S975

DISCARDED

228878

PREFACE.

In offering this little volume to the public, I have no apology to make. It is simply the faithful, impartial, and truthful record of an unselfish, noble life of devotion to duty—the best heritage any man can leave to those he loves—by one very near to the deceased, who knew him and his life-work best.

Its only object has been to do full justice to his memory and that of the brave men who served under him in the late war between the States, which others who had written somewhat of his life and career had not done.

That portion of it which relates to his war record has been prepared from notes of his own—taken at the time of the occurrences narrated—of facts which came within his own personal observation, and from other well-authenticated sources, both Federal and Confederate, which bear the stamp of truth and lend it additional value.

The one regret of the author is that he has not been able to make this portion of the work more complete, so as to embrace every instance reported of personal daring and heroism, on the part of officers and men, deserving of special mention. To mention all would be an almost endless task and require a volume by itself, so common were such instances among Morgan's men, who knew no fear and were ever ready to follow wherever their daring and brilliant chieftain and his able lieutenants led.

SYDNEY K. SMITH.

TABLE OF CONTENTS.

CHAPTER VIII.

APPENDIX.

LIFE OF D. HOWARD SMITH.

CHAPTER I.

HIS PARENTAGE AND CHARACTER.

Nature's greatest poet has well and truly said, "to be honest, as this world goes, is to be one man picked out of ten thousand," and another, not less known to fame, has said, with equal truth, "An honest man's the noblest work of God."

In this day of official dishonesty and successful mediocrity—in the mad whirl of this modern life, when men are spending all the energies of body, of mind, and of soul in the pursuit of pelf and power, and too often without regard to the means of attainment, it is, indeed, refreshing, and makes one think better of his race and more hopeful of the future, to find here and there a grand character, which, uninfluenced by the evil genius of the times, can rise above this moral miasma and pass unpolluted and unscathed through the consuming fires of avarice and unholy ambition raging all around and about us, eating, like a great moral cancer, at the consciences and souls of men and sapping the strength and destroying the life of society, on which, more than on the mere achievements of intellect, rests its well-being, stability, and permanency.

Such a man and such a character was him of whose life and deeds it is our privilege, as well as pleasing duty, to write, that all who read may learn and say, "This was a man."

With some men "honesty is the best policy;" with others it is largely, if not entirely, the result of education; but with him it was as natural to be honest as it was to eat or to sleep. His conceptions of right were too clear to so far misapprehend the meaning of the great philosopher as to confound honesty with policy. He was honest because it is *right to be honest* and because it met the *approval of his own conscience.*

Dabney Howard Smith was born near Georgetown, Scott County, Kentucky, November 24, 1821, and died at Louisville, Kentucky, July 15, 1889. He was, therefore, at the time of his death, in his sixty-eighth year, at a time of life when most men have passed the sphere of usefulness. But not so with him. He died as he had lived—with the harness on, fighting bravely to the last the battle of life, in the humbler, but not less important and honorable sphere of private life, for family, the mother of the State, for those nearest to him both by blood and affection, and to whom, before God, he had pledged and consecrated his life.

"Nothing in his life so became him as the leaving of it." His last act was to grasp in affectionate farewell the hand of the noble woman at his side, who, through all the years of that eventful life, had been his constant companion and most faithful friend, and to whom, above all others, he was most indebted for his success in life.

He was ever the same true man in all the varied relations of life. That largeness of heart, generosity and magnanimity of nature, and true nobility of soul which, together with his high sense of right and duty, made him a kind, affectionate, and faithful husband and father and true friend, and attracted to him all who came in contact with him, followed him into official life and made him an honest, faithful, and efficient public servant, as well as one of the most popular men in the State.

An ardent admirer and follower of Mr. Clay, he early caught and imbibed the spirit of that sublime and immortal declaration of the great Commoner, "*I would rather be right than President,*" which left its impress upon his whole life and doubtless did much toward moulding into shape his well-rounded character.

Whilst not especially gifted, as were some of his contemporaries, with superior oratorical powers, he had a clear, strong, logical, well-disciplined mind and superior judgment, was a ready and able debater and well informed on all public questions, which made him an interesting speaker and valuable man in the councils of his party.

His greatest faults, if, indeed, they may be called such, were his instinctive modesty and supreme unselfishness—the almost invariable attendants of great virtues and real merit, which too often caused him to make sacrifices of self on the altars of friendship, of party, and of country. Had he been less so, and more ambitious, there was no place, it is believed, within the gift of his people, to which he might not have attained and filled with credit and honor.

It has been said, "the boy is father to the man." In no case has the truth of this maxim been more happily illustrated than in his. Descended from a sturdy, noble stock of people on both sides of the house, he inherited and early exhibited those sterling qualities of heart and head which characterized him throughout life and drew around him a host of friends and admirers.

He was the youngest of seven brothers, all of whom are dead except Sidney Rodes Smith, of Lexington, now in his eighty-fifth year, a man of excellent sense and fine character, who, in his younger days, was one of the most successful and prominent merchants of Louisville.

From his boyhood he was called by his middle name—

"Howard"—and for this reason always signed his name "D. Howard." Thus, as well as owing to his great personal popularity, he became known all over the State by the familiar name of "Howard Smith."

The given names, *Dabney* and *Howard*, are the names of two representative Virginia families, the former belonging to his mother's and the latter to his father's side of the house.

His father was Nelson Smith, a native of Louisa County, Virginia, who emigrated to Kentucky with his father, William Smith, in the year 1783, and settled at Bryant's Station, near Lexington, in Fayette County. They were both sturdy men, of great purity of character, and lived and died enjoying the confidence and esteem of all who knew them.

His mother's name was Sarah Kerr, sometimes spelled and pronounced *Carr*, a model Christian woman of superior intelligence and great strength of character, who, after rearing a large family—seven sons and three daughters—lived to a ripe old age.

She was the daughter of Captain David Kerr, a native of Albemarle County, Virginia, who served honorably in the war of the Revolution, and after its close, between 1785 and 1790, emigrated to Kentucky and settled in Scott County. He was the son of James Kerr, a Scotch Presbyterian of strong character.

His grandmother, on his mother's side, was Dorothy Rodes, sometimes spelled *Rhodes*, a daughter of Clifton Rodes, one of the earliest and most prominent settlers of Fayette County.

From these families and their parent stems have sprung some of the most distinguished families of Virginia and Kentucky: the Rodes (Rhodes), Dabneys, Maurys, Howards, and Kerrs (Carrs), of Virginia; and the Estills, Dudleys, Bullocks, Hunts, Thomsons, Vileys, and others, of

Kentucky. Some of the latter intermarried with the Breckinridges, Johnstons, and Johnsons, thus forming one of the largest, if not the largest, most influential, and powerful family connections in the State. Among this number some have acquired great distinction in their time.

Of those dead, related to him by blood, may be mentioned William H. Crawford, of Georgia, one of the most distinguished statesmen of his day, who came within a few votes of being President of the United States; Matthew F. Maury, of Virginia, the author of the "Physical Geography of the Sea" and other scientific works, and among the first scientific men of modern times; Dr. Nathan L. Rice, the eminent Presbyterian divine; General Rhodes, "Stonewall" Jackson's ablest lieutenant, who, after the death of that great soldier at Chancellorsville, succeeded to his command, and, with a single division, defeated the right wing of Hooker's army and was afterward killed at the battle of Winchester, Virginia, in 1864, while gallantly leading his men to victory.*

Of those living, related by blood, the most distinguished, perhaps, is General Gustavus W. Smith, now of New York, a graduate of West Point, who served in the Mexican War with Lee, Grant, and Albert Sidney Johnston, and in the late war between the States, but who, owing to a rupture with Mr. Davis, was never able to attain that position to which his military training and talents entitled him. As an evidence of this, and of the high esteem in which he was held by those competent to judge, when General Joseph E. Johnston, the commander of the Confederate Army of Northern Virginia, was severely wounded at the battle of Seven Pines and forced to quit the field, General Smith, who commanded the left wing of his army, succeeded to the command over

*Dabney's Life of Jackson, 699.

such men as Longstreet and the two Hills, and remained in command until displaced by General Robert E. Lee, by order of President Davis.*

Had not Mr. Davis appointed as successor to General Smith such a man as General Lee, it might have proven disastrous to the Confederate arms, for General Smith had displayed his abilities as a commander, and McClellan, stung by defeat, though too proud to admit it, was massing a great army for a second onslaught.

Notwithstanding he had shown his eminent fitness as a commander, General Smith received no substantial recognition of his services, and was afterwards transferred, by the order of Mr. Davis, to an unimportant command in North Carolina, and subsequently to Georgia, where he had no opportunity afterwards to display his powers.

Others of his relatives living might be mentioned, of scarcely less note, but we are not writing a biography of distinguished relatives.

Whilst no man understood better than he did the value of *good blood* in the make-up of men, and none could boast of better, he was a firm believer in *merit*, and never relied for success in what he undertook on any other powers than *faith in God* and *his own strong right arm.*

No worthy young man, however humble, seeking to improve his condition in life, who went to him for counsel or advice, was ever turned away without some word of cheer and comfort.

No social or other barrier ever interposed between him and the call of duty. That, to him, was an inexorable law whose summons he always obeyed, whether that call was to the service of neighbor, of friends, of family, of country, or

*Johnston's Narrative, 131–140.

of God—to the humble cottage of the poor and lowly or to the palace of the rich and great.

Everywhere and under all circumstances, whether among rich or poor, princes or peasants, he was the same kind, genial, courtly gentleman and true man, knowing no distinctions, in his treatment of men, save those which God Almighty himself had made.

Few men in the State, if any, enjoyed so large a circle of acquaintances as he did, and his friends were numbered among some of the first men of the nation of all political parties. Among others were General John A. Logan and the Hon. James G. Blaine.

His acquaintance with Mr. Blaine began when that gentleman was a young man teaching school at Georgetown, and soon ripened into a warm friendship, lasting through life.

When the late civil war ended and he returned home from the Confederate Army, disfranchised and having lost every thing but his honor, Mr. Blaine was among the first to come forward and lend him a helping hand by exerting his influence with his party, which was great at that time, in securing a removal of his political disabilities, which act of kindness on Mr. Blaine's part he ever gratefully remembered. The day only before his death, referring to his meeting with Mr. Blaine after the war, he is reported as saying, in the presence of several friends gathered in social intercourse: "I had been elected Auditor of Kentucky, but my political disabilities had not been removed, and this had to be done before I could take charge of my office. I went to Washington for that purpose, and the next day visited the House of Representatives. Mr. Blaine then wielded a commanding influence in Congress, and I meditated asking him to assist me in the removal of my disabilities. I was in doubt about the matter, though, as he had, perhaps, forgotten me. Finally I

decided to call upon him. I went on the floor of the House, where I had some friends, and after I had taken my seat Mr. Blaine came along. He caught sight of me when a few feet away and recognized me in a moment, although he had not seen me in a great many years. Instantly disengaging himself from his friends he ran up to me, and, with tears in his eyes, put one arm around my neck and warmly clasped my hand in his. Calling me his dear old friend, with a voice full of feeling, he asked how I was, what I was doing there, and if he could be of any service to me. I was very much affected by this hearty greeting, as I had no claim in the world on Mr. Blaine and no reason to expect that he would hold me in such warm recollection. I told him what I wanted. He said he would attend to the matter and he was as good as his word, for in a very short time my disabilities were removed. I am a thorough Democrat, but a sincere admirer of Mr. Blaine, for he was a true friend to me."*

But whilst Mr. Blaine did more, perhaps, than any one else in securing the removal of his disabilities, because of his position and great influence with his party at that time, there were others of his political opponents who rendered him great assistance, notably, Colonel A. G. Hodges, of Frankfort, the venerable editor of the old "Commonwealth" paper, and General John W. Finnell, of Covington, since deceased, both staunch Republicans, excellent men, and at that time leaders of their party in the State. These gentlemen, in addition to other services rendered him, wrote the following letters in his behalf:

* The writer can not vouch for the absolute accuracy of the above as reported, but has no doubt it is substantially correct. For he well remembers to have heard his father speak of meeting Mr. Blaine; with what cordiality he greeted him; the services he rendered him in securing the removal of his disabilities; how unexpected it was to him, and how grateful he felt to Mr. Blaine for his great kindness.

COLONEL HODGES' LETTER.

"*Mr. Chairman and Gentlemen of the Committee:*

* * * * "In Kentucky I am recognized as a Republican of the strictest, straightest sect. I have never feared to declare my principles, either in private or through the columns of my paper, and yet no person in the State has ever molested me for so doing.

"I have felt it due to this committee to say what I have of my antecedents that they may know who I am and give such weight as they may deem proper to the recommendation I have signed to relieve a worthy and estimable man from the disabilities under which he labors for having committed one of the greatest errors of his life—that of taking up arms against his country.

"I signed the petition of D. Howard Smith, along with other known Republicans of Kentucky, with great pleasure, to the Congress of the United States, to have his disabilities removed, for the following reasons: 1st. I have known him from his earliest manhood, and such has been his character that there has been no taint upon it except that which he acknowledges in his petition. 2d. For long years he and myself labored side by side in the old Whig cause in Kentucky. 3d. At the close of the rebellion, and after his surrender to the Federal authorities, he has been a peaceable and quiet citizen, recommending, by precept and example, to all with whom he was associated in the service of the Southern Confederacy, a cheerful acquiescence to the laws of the United States. 4th. To the servants whom he formerly owned before the adoption of the Thirteenth Constitutional Amendment he was exceedingly kind, often aiding them with both clothing and money as far as his limited means enabled him to do so. 5th. He was elected to the office of Auditor of Public Accounts in August, 1867, and has been discharging the duties of that important position with great acceptance, showing no partiality as between Republicans and Democrats. 6th. If this committee and the Congress of the United States refuse to relieve him from his disabilities,

and he be compelled to give up the office he now holds, then the appointment of his successor would devolve upon the Governor of Kentucky to fill his vacancy. In my humble judgment His Excellency can make no selection from his party that will be as acceptable to the great mass of the Republican party as Colonel Smith is. These, with many other reasons I might enumerate, induce me to recommend the removal of the disabilities of Colonel D. Howard Smith.*

"A. G. HODGES."

GENERAL JOHN W. FINNELL'S LETTER.

"COVINGTON, KY., January 22, 1869.

"*Dear Sir:*

"I have just learned that D. Howard Smith, Esq., the present Auditor of Kentucky, has gone to Washington, intending to apply to be relieved from disabilities under the Fourteenth Amendment. I write now, unsolicited, to ask your kind offices in Colonel Smith's behalf.

"I have known him from childhood. I never knew a more just, upright, and conscientious man. It is true he was a Confederate officer, and in this we all think he was misguided; but he was a soldier and played a soldier's part.

"At Lebanon, in this State, on the occasion of the defeat and surrender of Colonel Hanson, Smith, at the peril of his own life, and like a true man as he was and is, threw himself between our captured soldiers and the infuriated enemy and saved them from massacre. After the war ended he returned to Kentucky and quietly resumed his profession, counseling all and always submission to authority and obedience to the laws.

"As an officer of the State he has won golden opinions from men of all parties. His conduct has conquered all resentment in the hearts of even the most violent. If you can, consistently with your sense of duty, do anything to promote

*In Washington Globe, 1869.

his wishes, I pray you do so. I know you will never have cause to regret it.

"I am, very sincerely, your obedient servant,*

"JNO. W. FINNELL.

"HON. SCHUYLER COLFAX,

"*Speaker House of Representatives, Washington, D. C.*"

The above incident in connection with Mr. Blaine and the foregoing letters are referred to, not only as showing the esteem in which he was held by those who differed with him politically—at a time when sectional and party feeling ran high—but as a testimony to the character of those gentlemen whose kind offices in his behalf were fully appreciated by him and deserve to be mentioned.

It is also proper to state he was much indebted to his political friends, the Hon. James B. Beck and Thomas C. McCreary, who then represented Kentucky in the Congress of the United States—the former in the House and the latter in the Senate, and others, for assistance rendered him in that behalf.

* In Washington Globe, 1869.

CHAPTER II.

HIS EDUCATION—MARRIAGE—ENTRY INTO LAW AND POLITICS.

The best part of every man's education is that which he receives from a good mother, whose highest ambition is to bring up her children in the way they should go, that when they have reached man's and woman's estate they may be good and useful men and women, an ornament to society and an honor to the State.

The brighest example of this, perhaps, which history has furnished us, was that of Cornelia, the mother of the *Gracchi*, who imparted to her sons, Caius and Tiberius Gracchus—two of the most illustrious names in Roman history—those splendid virtues for which she was so eminent.

The history of our own country has also furnished many illustrious examples of men who have acknowledged their indebtedness for the possession of those virtues, which at once formed the basis and was the cause of their greatness, to the early training they had received at their mother's knee.

But it is not necessary to go to history to find such examples; they are all around us. There are many mothers, who, if not as highly gifted as was Cornelia, are as bright examples of what a good mother can do in the rearing of her children. Such a mother was Sarah Smith, the mother of D. Howard Smith, whose rare virtues were only excelled by her great love and concern for her children, who were her pearls of great price.

Often have I heard him speak, and never without emotion, of the lessons of her grand character and beautiful life; how they had impressed his youthful mind and served as the guiding star of his life.

But this is part only of every education, though a very important part, which may be termed *character-building*. There is another part, of which this is the foundation, and without which the structure would not be complete—that is *mind-building*. This part of his education was not overlooked. When quite a young man he was placed by his father under the guidance of J. J. R. Flournoy, a noted teacher of that day, to whose competency and care he was mainly indebted for his early training in habits of thought and for a substantial basis of education.

In 1838 he entered Georgetown College, where he remained until he had qualified himself for a higher collegiate course. He then entered the Miami University, at Oxford, Ohio, at that time the leading institution of learning in the West, from whose walls had passed some of the ripest scholars and first men of the nation. He remained at that institution till 1841, taking a thorough course, when, in June of that year, it was terminated by his father's death, which event called him home, thus preventing his graduation.

In the fall of 1841 he began the study of law with J. H. Davis, Esq., then an eminent lawyer of Scott County, with whom he remained for some time, learning the rudiments of law, and enjoying the advantages of that gentleman's advice and experience.

He then entered the Law Department of Transylvania University, at Lexington, and in March, 1843, took his diploma from that institution at the hands of an able faculty, composed of such men as the Hon. George Robertson, afterward Chief Justice of Kentucky, and one of the most eminent jurists of this or any other country, Thomas A. Marshall, Aaron K. Woolley, and others scarcely less distinguished.

Among his classmates and fellow-graduates were the Hon. Frank P. Blair, Jr., afterward a distinguished Federal General

and candidate for Vice President on the Democratic ticket with Horatio Seymour, and the Hon. James B. Clay, a son of Henry Clay, himself a man of great ability.

After leaving the University he returned to Georgetown, began the practice of the law, and soon earned for himself, though yet a young man, an enviable reputation at the bar as a safe counselor and able lawyer.

On the 17th day of February, 1842, he married Josephine Lemon, a daughter of Captain Joseph I. Lemon, of Scott County, a soldier of the War of 1812, and at that time the wealthiest and one of the most influential citizens of the county. His wife is still living, a remarkable woman, alike in good sense, strength and beauty of character, and the domestic virtues—a good mother and exemplary Christian.

In 1849, after full establishment in his profession, he was called upon, became a candidate, and was elected to the lower House of the Legislature on the Whig ticket, by a majority of 510 votes, over one of the most popular and strongest Democrats in the county. By his race the county, which had before been largely Democratic, was redeemed to his party. His course in the Legislature was so highly satisfactory to his constituents that he could easily have been returned had he not declined a re-election. He was succeeded by the distinguished Colonel Richard M. Johnson, of Tecumseh fame, who publicly declared he "would not be a candidate if Howard Smith desired to return."

It is worthy of note, in this connection, as showing the character of men who then represented the State in the Legislature, with whom he was brought in contact, that he served in that body with John C. Breckinridge, Presley Ewing, James P. Metcalf, and others since highly distinguished in the law, legislation, and politics of the State and Nation.

In 1853 he accepted the nomination and was elected Senator from the counties of Scott and Fayette without opposition. This was a marked compliment from a district where, at that time, there were so many talented, capable, and ambitious men, and where political preferment was so much coveted.

He was at once taken up as a candidate for Speaker, and came within a few votes of being nominated on the first ballot, and would in all probability have been chosen, but for his magnanimity in withdrawing, after several days' balloting, for the sake of harmony.*

He was then only thirty-two years of age and was opposed by such men as Bibb, Bullock, Hogan, and others, his seniors in years and among the most distinguished men in the State, which shows how he stood in that body.

In 1852 Mr. Clay died, and on the occasion of the meeting of the two houses of the Legislature in joint session to take action in respect to his memory, he introduced the following resolutions, which were adopted:

"WHEREAS, It has pleased the Almighty to remove by death from our midst our most eminent citizen, Henry Clay, we feel that Kentucky owes it to herself to place upon her own records some enduring evidence of the estimation in which she holds the purity of his public life, the soundness of his principles and patriotism, and of the profound sorrow with which the Commonwealth has been impressed by this sad bereavement; be it therefore

"*Resolved by the General Assembly of the Commonwealth of Kentucky:*

"1. That the melancholy intelligence of the death of our illustrious citizen, Henry Clay, was received by the people of Kentucky with the deepest and most painful sensibility. His

*Senate Journal, 1853–54.

long, brilliant, and patriotic services in the councils of the State and nation; his devoted and successful labors in behalf of the Union and the cause of liberty; his matchless oratory and unrivaled statesmanship, have created an affection for his name and memory in the hearts of his countrymen that will be cherished to the latest generation.

"2. That as a token of our respect for the memory of the deceased the Sergeants-at-Arms of the two Houses of this Assembly are instructed to have their respective halls clad in mourning for the residue of the session.

"3. That as a further token of our respect for the memory of the deceased we will wear the usual badge of mourning on the left arm for the space of thirty days."*

On the adoption of these resolutions he, among others, addressed the Senate, as follows:

"*Mr. Speaker:* I arise to perform a most melancholy task. It becomes my painful duty to announce to this body an event which occurred since its last session and which has sent a pang of the deepest sorrow not only to the heart of all Kentucky, but to the whole American people and the friends of liberty throughout the entire civilized world.

"Henry Clay, the great American orator, patriot, and statesman; he who, by the power of his genius and the extraordinary character of his deeds, shed such an imperishable luster upon our name and fame, *sleeps in his grave!* The brightest luminary that ever dawned upon the republic has gone down in a cloud of sorrow and tears. And whilst I stand here, realizing, as I do, the loss my country and mankind has sustained in the death of this great and good man, my heart is moved with no ordinary emotions.

"When I look back over the history of my country and contemplate the life and services of Henry Clay I am lost in wonder and admiration. Born in poverty and obscurity, inheriting none of the mighty influences of wealth

*Senate Journal, 1854.

and family, he achieved for himself and his country, by the power of his own unaided genius and energy, a name and fame that will challenge comparison with the brightest intellect of ancient or modern times.

"It would be impossible, Mr. Speaker, for me, on an occasion of this kind, even if it were proper, to go back and review the life and character of the distinguished deceased. But, sir, whilst this is the case, I feel that I should be recreant to my duty and my feelings if I did not call the attention of the Senate to a few of the leading events of his life.

"Coming to Kentucky whilst yet a boy, he settled in the then village of Lexington and commenced the practice of the law in competition with some of the first men of the State. Thoroughly trained in the principles of his profession, and conscious of his own powers, he very soon made himself felt and rapidly rose into position and influence.

"Overleaping, as it were at a bound, the ordinary barriers that impose themselves between young ambition and fame, he established for himself a reputation as an able and powerful advocate that was enjoyed by but few men in the State.

"The latent spark of genius was soon kindled into a flame. All eyes were attracted to the youthful orator. *The people*, from among whom he had sprung, dazzled by his transcendent intellect and warmed by his ardent and enthusiastic nature, as if by instinct, reached out their arms and claimed him as their own.

"Yielding to the impulses of his bosom, and obeying what he believed to be the popular will, he was very soon returned, over an able and popular opponent, a member of the other branch of *this Assembly* from the county of Fayette.

"In this new and to him untried theater he fully sustained the high reputation he had already won at the bar. It was *here*, in these halls, that he laid the foundation of his statesmanship; it was *here* that he exhibited the first evidence of those rare and extraordinary gifts of forensic power that gave him, in after life, so much influence at home and abroad.

"Standing almost without a rival, in his adopted State, as an orator and statesman, and the acknowledged leader of the

Republican party of that day in the distant West, he was very soon returned by the people of Kentucky a member of the National Congress, serving first as a member of the Senate and then as a member of the House of Representatives.

"In this new and more extended field for an exhibition of talents and genius, Mr. Clay very soon established for himself a reputation as an able and powerful debater and as a wise and sagacious public servant that was enjoyed by but few of the host of great men who adorned the National councils at that period.

It is to him that the American people are mainly indebted for the War of 1812—that second struggle for our independence—and its final and honorable adjustment.

"When our flag had again and again been insulted and outraged, and our rights trodden under foot, and a portion of the American people were disposed tamely to submit to it, the great Kentuckian was among the first to rise in his place, upon the floor of Congress, and cry out against it and sound the clarion blast of war. With that proud indignation so instinctive in the heart of every true American when his rights are invaded, he called on his countrymen to take up arms and avenge the wrongs that had been heaped upon them. His voice, with those of other patriots, was heard, and war was declared. During the whole period of that protracted struggle Mr. Clay stood side by side with Calhoun, Lowndes, and others, leading the war party in Congress, until peace—an honorable and glorious peace—was achieved. At the close of the war, such had been his exertions in behalf of his country, and such the transcendent ability with which he had acquitted himself, that his fame was fixed.

"Thoroughly and devotedly attached to our peculiar institutions; a warm and ardent friend of liberty and liberal principles, his heart was always ready to pour out, in streams of burning eloquence, its sympathy for the oppressed of every nation.

"Among the ablest speeches that he delivered on the floor of Congress was one in behalf of South American independence. The shouts of the gallant soldiers under

the heroic Bolivar, as the distant voice of Clay fell upon their ears, are still echoed in that far-off country. They still hold in grateful remembrance his disinterested love for their rights, as the noble shaft they have erected to his memory fully attests.

"Nor was he unmindful of the down-trodden rights of Greece—unfortunate Greece; that land of poetry and song, so dear to the memory of every patriot and scholar. In 1818, when that mother of literature and art was rent with war and commotion, Clay, inspired as it were with the associations that were thrown around her, poured out in her behalf a torrent of fire and eloquence that electrified the whole civilized world.

"Mr. Speaker, if Mr. Clay had left no other monument to his memory than his efforts in behalf of the liberties of these unfortunate countries, his name and fame would have been immortal. But, sir, the proudest achievements of his life were made in behalf of his own country. There is scarcely a page in our country's history, for the last half-century, that is not impressed with the wonderful influence of his genius and patriotism. Sir, my heart swells with pride and gratitude, that words can not express, as memory calls to view the toil, the almost superhuman exertions, he underwent for his country. Who but *him* could have preserved our National unity in 1820, when every element of civil concord was shaken to the center, consequent upon the proposition to admit Missouri into the Union? Who but *him* could have driven back the tide of war, rapine, and destruction, in 1833, when that hydra-headed monster, nullification, exhibited itself in the Senate and shook to the very center the temple of liberty itself? Who but *him* could have settled the angry elements of sectional discord and strife in 1850, which were raging like a consuming fire and threatening all around?

"Mr. Speaker, the services rendered by Henry Clay to his country on those three memorable occasions will live green in the memory of untold generations to come. I could ask no greater nor more enduring monument to his

memory than the authorship of those three great measures of pacification.

> "'I ask not for the chisel's boast,
> A Pantheon's cloud of glory,
> Bathing in Heaven's noontide the host
> Of those who swell her story!
> Though these proud works of magic hand
> Fame's rolling trump shall fill,
> The best of all these peerless bands
> Is pulseless marble still.'

"As a statesman and patriot he was almost without a rival. As a great party leader Henry Clay stood without a peer. Born to command, it was not for him to follow in the wake of others. Bold, sagacious, and eminently wise and prudent, he possessed the elements for a successful executive officer, equal, if not superior, to any man of his day.

"But, whilst Mr. Clay was a partisan, and perhaps the greatest party leader of his day, as has been stated, yet, sir, he never allowed party fealty to stand between him and his country. Mere questions of expediency, which usually divide parties, were to him as nothing when they interfered with his obligations to his country.

"He held the perpetuation of the principles of our institutions, the Union, and our peculiar form of government above all other considerations. There was no sacrifice, no conciliation, no concession that he would not make when it was necessary to save his country from anarchy and ruin. Patriotism was the ruling passion of his life. Every motive, feeling, action, was made to bend to it. The greatest and most brilliant achievements of his long and eventful life were the result of this principle in his nature. He was, sir, essentially and emphatically American in his every feeling. He lived for the glory of his country and at last *died for its safety*. No leader ever won more distinction—none ever met greater opposition. Conscious of the purity of his own motives and the rectitude of his conduct, he never, in the darkest hour of his adversity, desponded. It is a proud reflection to know that his life was spared to him to see that he

adhere thereto, and your committee, instead of making this a cause of complaint or criticism, regard it as altogether proper and commendable. When invited, however, by the message, to view the acts of the administration in terms of unqualified praise, they can not fail to perceive a measure of policy bearing immediately on a 'section' of the party in power; but the principle of the act and its consequences are very interesting to all the people of these States, from which they must ever not only withhold their approbation, but which they unqualifiedly condemn, and against which they direct their earnest protest.

"Your committee refer to the late act of the administration, bringing to bear the power and patronage of the Federal Government upon the last New York State election.

"The ground upon which the removal of Collector Bronson was placed by the administration, to-wit: the neglect of that officer to appoint a certain proportion of the free-soil 'section' of the party to place under him, is itself indefensible, has been condemned by the people of New York, and is especially insufficient to justify the interference of the Federal Government *in the manner* and *at the crisis*.

"And 1, *the crisis*. A *State* election, involving *State* issues of no ordinary magnitude, was pending. The administration party (or parties) was divided on these State issues and their peculiar views of the slavery question. Judge Bronson gave his adherence to that 'section' of the party with whose principles, State and National, he coincided, in a decorous letter, which was published.

"The administration seized the occasion, on the eve of the election, to remove him, on the alleged ground above stated.

2. The *manner*. The interference was immediately against an honest, capable, faithful public servant, at the time engaged in the efficient and faithful discharge of his duties, and directed, through this public servant, against the friends of the Union—the National 'section' of the party in New York—and in favor of the men of the Buffalo platform and their more recent and scarce less implicated allies.

"This act of interference in the local politics of a sovereign State was preceded and followed by extraordinary marks of favor shown to the leaders of the free-soil party (who had defeated Cass and Butler), by their appointment to some of the highest offices. And Judge Bronson's successor was taken from the party who had coalesced with and were controlled by the Van Buren power—who himself opposed the Erie Canal enlargement (a measure of State policy merely), and who, while occupying a high office under the Federal Government, in conjunction with the free-soil postmaster and surveyor of the port of New York, had left his post of duty in the city and had proceeded to Syracuse to control, 'by authority' (*as was there proclaimed*), the free action of the delegates of a portion of the people of the State of New York.

"This interference of the Federal Government, by its office-holders, in State elections, and this proscription of the friends of the Union and the rights of the South, is a wide departure, not alone from the early faith and practice of the Government, but from the policy to which the supporters of the present Executive pledged him before the people in the Presidential canvass, and must meet the condemnation of every lover of republican institutions and the Union, without distinction of party.

"Your committee, therefore, beg to submit the following joint resolutions, expressive of their views in the premises, with a recommendation that they do pass.

"D. HOWARD SMITH,
"W. H. WADSWORTH,
"J. S. GOLLADAY,
"WM. C. BULLOCK."

"1. *Resolved*, That the General Assembly of the Commonwealth of Kentucky, not herein intending to express any opinion in relation to the general principles and policy of the present administration, disapprove its late interference in the local election and politics of the State of New York, amongst other things, manifested in the removal of Collector Bronson.

"2. That the *National* Democrats of New York, who so valiantly opposed, in 1848, the dangerous doctrines of the Buffalo platform and that party, under the lead of Martin Van Buren, which promulgated and advocated these anti-national free-soil doctrines, were entitled to the thanks and gratitude of the friends of the Union and had a just right to expect the confidence and support of a truly *National* Democratic administration.

"3. That the policy of relying upon the enemies of the Union to administer the affairs of the Union is unwise and reprehensible."

Among his associates in this House were such men as W. H. Wadsworth, Nathaniel Wolff, H. G. Bibb, Willis B. Machen, and others.

He served four years in this body with great credit, and retired, upon the failure of his health, to resume the practice of the law at Georgetown.

He was originally a member of the old Whig party, an ardent admirer and warm personal friend to Mr. Clay, with whom, living in the same district and within a short distance of each other, he was brought in frequent contact.

A believer in the doctrine of States rights, which at that time was common to both political parties, he held a *firm resistance to the encroachments of the Federal power and a zealous regard for the preservation of the sovereignty of the States.*

The issues between the two great political parties of that day were so hotly contested, and the masses so dependent on their leaders for a knowledge of public questions, from a lack of the proper facilities for communication, that public discussion was the order of the day; and it was necessary that the candidate for office should not only show himself to the people and be heard by them, but should be well equipped, have

a thorough knowledge of all public questions, and the ability to measure lances fairly with his opponent.

These intellectual tournaments were not confined to large cities and towns, but were common to the rural districts, and the people everywhere gathered in crowds to witness them. Now it is different, the facilities for communication being much greater and the press having almost altogether taken the place of the orator, making it possible for the most *mediocre* talent to aspire to place without fear or danger of *demolition*. Instead of raising the standard of excellency in those seeking political preferment, as might have been expected from a general enlightenment of the masses on political as well as all other questions, this has had just the contrary effect. Our politics have reached such a low ebb, it is no longer a question of fitness for place, but of expediency and policy—how many votes the candidate can command, what influences he can bring to bear to secure an election. The result of this has been to fill many of the offices of the land, from the lowest to the highest, with dishonest and incapable men, and to drive many good men, well qualified for place, who would otherwise seek political preferment, into the professions and commercial life.

After the death of Mr. Clay and the disintegration of the old Whig party, when Know-Nothingism arose upon its ruins and threatened the ultimate destruction of the principles upon which our government was founded, he became an active and able adherent of the National Democratic party, and continued a member of that party to the time of his death.

CHAPTER III.

HIS VIEWS AT THE BEGINNING OF THE WAR—RAISES A REGIMENT AND JOINS THE CONFEDERATE ARMY—ASSIGNED TO BUFORD'S BRIGADE—TRANSFERRED TO GENERAL JOHN H. MORGAN'S COMMAND—FIGHTS AT MILTON AND SNOW'S HILL, TENNESSEE—BATTLE OF GREASY CREEK.

In November, 1856, during the great land fever in the Northwest, he moved with his family, together with many others from Kentucky, to that section, with a view to improving his financial condition, locating first at St. Paul and afterwards at Chicago, owing to the severity of the climate at the former place.

He resided in Chicago until 1859, engaging in commercial business. During his residence there he identified himself with the Douglas wing of the Democratic party, which was in the ascendency, and voted for Mr. Douglas in the memorable Senatorial contest between him and Mr. Lincoln, though taking no active part in politics.

Satisfied, from what he had seen, of the intensity of feeling and growing hatred of the Northern people for the South, growing out of the discussion of the questions then agitating the country, that it could only be a short time before it would culminate in sectional strife, and wishing to be among his own people in that event, he closed out his business and returned to Kentucky.

After his return to Kentucky he identified himself with the Breckinridge wing of the Democratic party, was made an elector on the Breckinridge and Lane ticket, and made an active and able canvass of the State in their behalf.

At the time of the breaking out of hostilities in 1861 he was residing on a farm near Georgetown.

Thoroughly imbued with the principles of States Rights, though opposed to the policy of secession as a remedy for the evils then existing, and believing that the war was being waged by the party in power, not merely for the abolition of negro slavery, but the subjugation of the Southern States, and holding to the doctrine that there was no power under the Federal Constitution to coerce a State, and firmly believing the subjugation of the South would not only destroy the peculiar rights of the Southern people, but constitutional liberty as well, he became early an open and avowed friend to the South.

But such was his devotion to the Union and opposition to the policy of secession that it was not until it had become apparent to him that nothing short of an appeal to arms could settle the grave issues between the sections, that he allied himself to the Confederate cause.

How correct he was in his views as to the purposes of the Republican party in waging that war, was proved by subsequent events. In the adoption of the policy of "Reconstruction" that party showed its hand. That the complete subjugation and humiliation of the South was their object was demonstrated in the attempted establishment of military governments in the Southern States and in placing over the Southern people their former slaves, by conferring upon them the right of suffrage, without any preparation whatever for the enjoyment of such a privilege, and before they were in a condition to receive it and exercise it intelligently. The result of this policy was to place in power in the Southern States the worst elements, thereby creating race antagonisms, with all their innumerable evils. That this policy did not ultimately prevail, it was not the fault of the Republican party, but was due to the opposition it met from the Democracy of the North and to a more liberal and progressive spirit within the

Republican ranks, represented by such men as Horace Greeley, B. Gratz Brown, Frank P. Blair, General W. S. Hancock, and others.

When his position became known, an order was issued by the Federal authorities for his arrest and imprisonment, and a detachment of troops was dispatched to his home for that purpose. But having received a timely warning from a relative, then an officer in the Federal army, he was able to make good his escape and elude the Federal authorities, together with the Rev. W. H. Hopson, an eminent Christian divine, who was then visiting him, and for whose arrest an order had also been issued.

In the fall of 1862, following, when Gen. Bragg entered the State, he raised a regiment of cavalry (the Fifth Kentucky), about eight hundred strong, and entered the service of the Confederate States, and there remained until the close of the war. The regiment was composed of the flower of Scott and adjoining counties and was officered as follows:

Colonel—D. Howard Smith, Scott County, Ky.

Lieutenant Colonel—Preston Thomson, Scott County, Ky. (subsequently resigned).

Major—Thomas Y. Brent, Bourbon County, Ky. (killed at Green River Bridge, July 4, 1863).

Captain and A. C. S.—Alex. Thomas, Scott County, Ky.

Captain and A. Q. M.—L. D. Holloway, Scott County, Ky.

First Lieutenant and Adjutant—John T. Johnson, Scott County, Ky. (resigned in Tennessee on account of ill-health).

Surgeon—Dr. David Kellar, Bourbon County, Ky.

Assistant Surgeon—Dr. D. Drake Carter, Woodford County, Ky. (afterwards Surgeon Sixth Kentucky).

Sergeant Major—Allie G. Hunt, Fayette County, Ky. (promoted to Lieutenant Company F).

Sergeant and Ordnance Officer—John A. Steele, Woodford County, Ky.

Sergeant and Forage Master—S. B. Triplett, Scott County, Ky.

Orderly—Harry Warfield, Lexington, Ky.

Company A.

Captain—C. G. Campbell, Woodford County, Ky. (promoted to Lieutenant Colonel, July 4, 1863).

First Lieutenant—Jos. M. Bowmar, Woodford County, Ky. (appointed Adjutant, to succeed John T. Johnson, resigned, and on July 4, 1863, promoted to Captain of Company A; private D. L. Thornton, of Woodford County, Ky., succeeding him as Lieutenant and Adjutant.

Second Lieutenant—Jas. H. Ferguson, Woodford County, Ky. (killed at Green River Bridge, July 4, 1863).

Third Lieutenant—W. S. Fogg, Woodford County, Ky. (promoted to First Lieutenant, July 4, 1863).

First Sergeant—H. W. Smith, Woodford County, Ky.

Second Sergeant—George W. Smith, Woodford County, Ky.

Third Sergeant—Samuel Moore, Woodford County, Ky.

Fourth Sergeant—Alexander M. Daugherty, Woodford County, Ky.

Corporals—Robert Redd, A. C. Smith, John C. Davis, and ———, Woodford County, Ky.

Company B.

Captain—G. M. Tilford, Scott County, Ky.

First Lieutenant—Geo. W. Holloway, Scott County, Ky. (killed at Green River Bridge, July 4, 1863).

Second Lieutenant—John T. Sinclair, Scott County, Ky.

Third Lieutenant—Jas. H. Ferguson, Scott County, Ky. (wounded at Green River Bridge, July 4, 1863).

First Sergeant—L. D. Holloway, Scott County, Ky. (promoted to Captain and A. Q. M).

Second Sergeant—J. H. Gatewood, Scott County, Ky.

Third Sergeant—E. Threlkeld, Scott County, Ky.

Fourth Sergeant—West Threlkeld, Scott County, Ky. (killed at Green River Bridge, July 4, 1863).

First Corporal—Robt. Jones, Scott County, Ky. (severely wounded at Green River Bridge, July 4, 1863).

Second Corporal—W. R. Butler, Scott County, Ky.

Third Corporal—W. Coppage, Scott County, Ky.

Fourth Corporal—E. M. Flack, Scott County, Ky.

Company C.

Captain—Harry Bedford, Bourbon County, Ky.

First Lieutenant—G. W. Bowen, Bourbon County, Ky.

Second Lieutenant—John B. Talbott, Bourbon County, Ky.

Third Lieutenant—T. Jeff. Currant, Bourbon County, Ky. (killed at Green River Bridge, July 4, 1863).

First Sergeant—C. C. Rule, Bourbon County, Ky.

Second Sergeant—Dick Kelly, Bourbon County, Ky.

Third Sergeant—John Moreland, Bourbon County, Ky.

Fourth Sergeant—Gus Pugh, Bourbon County, Ky.

Corporals—W. H. Currant, R. Wilson, L. M. Lair, Dave Wilson, all of Bourbon County, Ky.

Company D.

Captain—Jerre L. Jones, Gallatin County, Ky.

First Lieutenant—John Story, Gallatin County, Ky.

Second Lieutenant—J. H. Hoggins, Gallatin County, Ky.

Third Lieutenant—Chas. Richards, Gallatin County, Ky.

First Sergeant—John Eliston, Gallatin County, Ky.

Second Sergeant—Thos. Conley, Gallatin County, Ky.

Third Sergeant—John Hamilton, Gallatin County, Ky.

Fourth Sergeant—Henry Peck, Gallatin County, Ky.

First Corporal—Robert Spencer, Gallatin County, Ky.

(Second, Third, and Fourth Corporals of Company D not now known.—S. K. S.)

Company E.

Captain—James E. Cantrill, Scott County, Ky.

First Lieutenant—Andrew Wilson, Scott County, Ky.

Second Lieutenant—Nat. S. Offutt, Scott County, Ky.

Third Lieutenant—David Holden, Scott County, Ky.

First Sergeant—William Reed, Scott County, Ky. (killed at Lebanon, Ky., July 5, 1863).

Second Sergeant—Eph. Montgomery, Scott County, Ky.

Third Sergeant—Clem Nutter, Scott County, Ky.

Fourth Sergeant—Silas Carr, Bath County, Ky.

First Corporal—Richard Price, Scott County, Ky.

Second Corporal—M. T. Ewing, Scott County, Ky.

Third Corporal—John Harrod, Scott County, Ky.

Fourth Corporal—Sanford Powell, Scott County, Ky.

Company F.

Captain—James P. Jordan, Anderson County, Ky. (killed near Beach Grove, Tenn., January, 1863.

First Lieutenant—Thos. Munday, Anderson County, Ky.

Second Lieutenant—M. V. Gudgel, Anderson County, Ky. (severely wounded at Green River Bridge, July 4, 1863).

Third Lieutenant—John M. McCormack, Anderson County, Ky.

(The Sergeants and Corporals of Company F not now known.—S. K. S.)

Company G.

Captain—T. M. Coombs, Grant County, Ky. (afterwards captured, and succeeded by Capt. Geo. W. Terrill, of Boone County, Ky).

First Lieutenant—J. P. Webb, Grant County, Ky.

Second Lieutenant—Marion Carson, Grant County, Ky.

Third Lieutenant—G. N. Webb, Grant County, Ky. (severely wounded at Snow Hill, Tenn., April, 1863).

First Sergeant—W. H. Childers, Grant County, Ky.

Second Sergeant—Arthur Parker, Boone County, Ky.

Third Sergeant—J. H. Gage, Grant County, Ky.

First Corporal—B. P. Lucas, Grant County, Ky.

(The Second, Third, and Fourth Corporals of Company G not now known.—S. K. S).

Company H.

Captain—E. S. Dawson, Anderson County, Ky.

First Lieutenant—James F. Witherspoon, Anderson County, Ky.

Second Lieutenant—L. W. Chambers, Anderson County, Ky.

Third Lieutenant—W. Fenwick, Anderson County, Ky.

First Sergeant—H. H. Maddox, Anderson County, Ky.

Second Sergeant—Sam. Dawson, Anderson County, Ky.

Third Sergeant—James P. Ripey, Anderson County, Ky.

Fourth Sergeant—N. H. Witherspoon, Anderson County, Ky.

Corporals—Jasper Frazier, Noel Moore, William Bowen, and Randall Walker, all of Anderson County, Ky.

In June, 1863, following, a fine company of about fifty men, from Southern Kentucky, was added to the regiment, officered as follows:

Captain—Ben. D. Terry.

First Lieutenant—William H. Green.

Second Lieutenant—Frank P. Langston.

Third Lieutenant—Thomas B. Copeland.

An incident is narrated by Captain Terry worthy of mention in this connection. He had with him a colored servant by the name of "Ike Campbell." In 1862 "Ike" was captured by the "Yankees." They tried to prevail on him to take the oath, but he refused, returned to the Confederacy, and remained at his post to the close of the war, when he returned to Kentucky. This is mentioned as a rare and remarkable instance of a colored man's fidelity and loyalty to his master and section.

Another instance of this sort, deserving of mention, was the equal faithfulness and loyalty of Colonel Smith's colored servant, "William Johnson," who was captured with him on the "Indiana and Ohio Raid," and retained as a servant by a Federal officer. Obtaining help from D. Howard Smith, Jr., whom he met at Cincinnati shortly after the capture, William succeeded in effecting his escape, returned to Ken-

tucky, and finally to Colonel Smith, and remained faithful to the last.

The first assignment of his regiment to military duty was to the brigade of Gen. Abe Buford, with whom he remained until after Bragg's retreat from Kentucky.

Nothing worthy of note transpired until after the army had reached Tennessee, when an effort was made to disband his regiment, which caused great indignation among both officers and men, they having enlisted as cavalry, or, rather, mounted infantry. He protested strongly against such treatment of his regiment, but in vain. Finally, seeing that would be the only way to avoid such a result, he advised his men to seek other commands, which they did, resulting in the disbandment of the regiment, and he obtained a furlough to go to Mississippi to look after some private interests. When he had effected the object of his visit there, he hastened to rejoin the army and proceeded at once to the reorganization of his regiment, which was soon effected, nearly all of his old men, who, in the *interim*, had become scattered through other commands, returning to him, and thus forming a splendid regiment of the very best material.

In a letter written from McMinnville, Tenn., about this time, speaking of his return, he says:

"I reached my old regiment on Saturday last, near Fairfield, in a county adjoining this, and on Tuesday following assumed command of the brigade, General Buford having been transferred to General Pemberton's Department, in the State of Mississippi. The reception given me by my old regiment was the most flattering compliment I ever received. The demonstrations of joy and gratification manifested at my return might well have swelled the head of a conqueror. I shall never forget it while life lasts.

"My command will, in the course of a few days, be transferred to General Morgan's. General Bragg has given me

this assurance, and by his orders I am here to-day, perfecting the necessary arrangements to that end."

In the latter part of February, 1863, he was transferred, with his command, at his request, to General John H. Morgan's division of cavalry, then stationed on Snow's Hill, near Liberty, Tennessee, picketing for the extreme right of Bragg's army.

General B. W. Duke, in his "History of Morgan's Cavalry," referring to this transfer, says:

"During February two fine regiments (the Fifth and Sixth Kentucky) were added to the division. These regiments were commanded, respectively, by Colonels D. H. Smith and Warren Grigsby. They had been recruited, while Bragg occupied Kentucky, for Buford's brigade, but upon the dissolution of that organization they were assigned, at the request of their Colonels, to General Morgan's command. The material composing them was of the first order and their officers were zealous and efficient.

"Some time in the same month an order was issued from army headquarters, regularly brigading Morgan's command. The Second, Fifth, Sixth, and Ninth Kentucky and Ninth Tennessee were placed in one brigade. The Third, Eighth, Eleventh, and Tenth Kentucky composed the Second Brigade. Colonels Smith and Grigsby were both the seniors of the other Colonels of the First Brigade, but each refused to take command, on account of their recent attachment to the command,* and Colonel Breckinridge was assigned to the temporary command of it."†

The remainder of the winter of 1862–63 was spent by him and his regiment in picketing and scouting for the Army of

* This much of Gen. Duke's statement is incorrect. Colonels Smith and Grigsby did not "refuse" to take command—to have done so would have been unsoldierly—but waived rank to Gen. Duke, for the reasons stated, and requested to be placed in his brigade.

† Duke's History of Morgan's Command, 359.

Tennessee. This service was arduous, often precarious, and involving great hardship. Though there were no battles of consequence, during this time, in which his regiment took part, there were frequent skirmishes with the Federal cavalry, always involving more or less loss of life and redounding to the credit of the brave men under his command, who, in addition to the enemy, had to contend with the snow and cold of that severe winter, for which they were illy-prepared, being scantily supplied with clothing and blankets.

During February two successful raids were made into Kentucky—by Colonel R. S. Cluke and Captain T. H. Hines, with a company of scouts—the former with seven hundred and fifty men, his own regiment; the Eighth Kentucky, under the command of Major R. S. Bullock; a portion of the Ninth Kentucky and two companies of the Eleventh Kentucky, under the command of Lieutenant Colonel R. G. Stoner; Companies C and I of the Third Kentucky, and Company A of the Second Kentucky, under the command of Major Theophilus Steele, and two mountain howitzers, in charge of Lieutenant Corbitt, penetrating the State as far as Mt. Sterling, capturing that place with over four hundred prisoners, two hundred Government wagons laden with stores, five hundred mules, and one thousand stands of arms, besides doing other damage to the enemy. The latter, with only thirteen men and Lieutenant J. M. Porter, of his company, going as far as Bowling Green and destroying a half million dollars of Government property.

During the early part of March the enemy made three advances upon Liberty, but were each time met and successfully opposed by Colonel W. C. P. Breckinridge, with the First Brigade, composed of the Second, Fifth, Sixth, and Ninth Kentucky and the Ninth Tennessee.

On the evening of the 19th of March, General Morgan

arrived at Liberty. Learning that the Federals, in strong force, estimated at about four thousand infantry and several hundred cavalry, with one section of artillery, were moving on that place from Murfreesboro, and determining to attack them next morning, he ordered Colonels Breckinridge and Gano, with the First and Second Brigades, to move within four miles of the enemy and hold themselves in readiness to move at any moment. Learning subsequently, however, that the enemy were strongly posted in a gorge of the mountains, from which it would be impossible to dislodge them, he concluded not to attack them until they had passed beyond it.

Early next morning his scouts reported to him that the enemy was moving; whereupon Captain Thos. Quirk, with his scouts, was ordered to advance and attack the enemy's rear when they passed the mountain, and retard their progress until the arrival of the main column. This order was obeyed with alacrity. When within a short distance of Milton, Captain Quirk came upon the rear guard of the enemy and attacked them with vigor. Making a stand and deploying their skirmishers to the rear, the enemy opened upon him with several guns, shelling his men and the road upon which they advanced.

Shortly, General Morgan arrived upon the ground, and finding that the main body of the Federals was still retreating, and that their artillery was unsupported by any troops except those deployed as skirmishers, he determined, if possible, to capture it. He accordingly ordered Lieutenant Colonel R. M. Martin to move with his regiment to the left, and Colonel Breckinridge to send a regiment to the right, as rapidly as possible, and when within striking distance of the enemy to move forward and cut off his artillery. Two guns were also brought forward, supported by the Ninth Tennessee, under

the command of Colonel W. W. Ward, and the remainder of the command was ordered to move in column within supporting distance. Before the regiments ordered to the right and left had reached the positions assigned them, the enemy's skirmishers and artillery fell back rapidly upon their main column, which occupied a steep hill covered with cedars. Here they halted, placing their guns on a line with their column, on the road, immediately upon their right. To reach this position it was necessary to pass through a cedar brake, the ground being very broken and rough. This point was covered by the enemy's skirmishers.

The artillery was ordered to move upon the left of the road until they reached a point within four hundred yards of the enemy's guns, and then to silence them.

The guns, supported by a portion of the Ninth Tennessee, were moved forward and placed in position. Lieutenant Colonel Martin, who still held his position on the left, was ordered to advance and threaten the enemy's right. Colonel Gano was ordered to move forward, dismount his men, and attack the enemy immediately in front. The First Brigade, under the command of Colonel Breckinridge, was ordered to advance to the right and attack their extreme left. In the meantime Captain Quirk, with his scouts, was sent upon the pike to attack the enemy immediately in their rear, which he did in his usual gallant style, capturing a number of prisoners. He remained in their rear until they received reinforcements from Murfreesboro, when he was compelled to retire.

The opening of the guns was the signal for an advance along the whole line. Lieutenant Colonel Martin, with his regiment, moved forward boldly and attacked the enemy's right, who in turn opened upon him with canister, killing a number of horses, but doing no further damage.

The remainder of the command advanced to within one

hundred yards of the main body of the enemy, and dismounting, attacked them vigorously, driving in their skirmishers and advancing in splendid order upon the hill occupied by them in strong force.

Colonel Breckinridge, who commanded on the extreme right, advanced upon the enemy's left, they having by this time moved their artillery from the pike to a position on the top of the hill, immediately in their center. But before they succeeded in doing this, Colonel Grigsby, with the Sixth Kentucky, attacked them vigorously and came near capturing it. He was within about fifty yards of it, and advancing rapidly upon it, when unfortunately his ammunition gave out and he was forced to halt. At this point the brave Colonel Napier fell, severely wounded, while cheering and leading his men up the hill. Colonel Grigsby was also wounded, but only slightly.

Having entirely exhausted his ammunition, General Morgan ordered a withdrawal of his forces and fell back to Milton. The enemy, being too badly crippled, did not offer to pursue.*

Finding at that place an ordnance train and four guns, sent him from McMinnville, General Morgan returned and renewed the attack. But the Federals having, in the meantime, received a heavy reinforcement of infantry, estimated at about five thousand, he was compelled to retire, and again fell back to Milton and from there to Liberty.

General Morgan was not aware of the presence of so strong a force of the enemy until after he had renewed the attack, and Captain Quirk, who had been sent to the enemy's rear with his scouts, had been driven back by overwhelming numbers.

But for the unfortunate circumstance of the ammunition

* From Official Report of General Morgan.

giving out just at the critical moment, when Grigsby's men were close upon the guns of the enemy and in a few more moments would have taken them, the whole Federal force might have been captured in the first instance. After they had been re-enforced, it was simply impossible to do so, they having decidedly the advantage both in position and numbers.

The loss to the command in this fight was heavy. There were eighteen wounded and a number killed, mostly among the officers, which spoke well for their gallantry. Among those killed were Captains Cooper, Sale, Marr, and Cossett, and Lieutenant Wilson, of the Third Kentucky, who was mortally wounded and afterwards died, all brave and valuable officers. It is not known what the loss of the Federals was, but it must have been less than that of the Confederates, the latter being the attacking party and completely exposed to the Federal guns, while the former were under cover.

There were so many deeds of daring performed in this fight, by both officers and men, it would be impossible to mention all. But we can not forbear to mention one instance related by an eye-witness:

When General Morgan arrived upon the field and ordered Colonel Gano to attack the enemy, leading the charge in person, so great was the enthusiasm of the men that two of them—Sergeant W. P. Larew and Private Charlie Collins, of Company F, Third Kentucky, in their zeal to get at the enemy, ran ahead of the column, to soon find themselves subjected, not only to the fire of the enemy in front, but of their own men in the rear. Taking in the danger of the situation at once, but not at all discomforted, they very coolly took position behind a log in a ravine, across which the command was advancing, and kept up a lively practice of sharp-

shooting, picking off a "Yank" whenever he showed himself within gun-shot, until Colonel Gano's ammunition being exhausted, he fell back and the Federals advanced within a few yards of where they were, and they were reminded it was time to "git," and "got," receiving the fire of a whole company of infantry, but, strange to say, escaping unhurt, with the exception of a slight wound the gallant Sergeant received in the leg as he turned to give his pursuers a parting volley.

On the 2d of April the Federals advanced in strong force upon Liberty. The First and Second Brigades were concentrated there to meet them. After some skirmishing with them, the command took position to the east of that place, and on the night of the 2d encamped in line of battle.

That night scouts were sent into the Federal lines and reported the presence of a strong force of infantry. Others reported that General Crook was advancing from Carthage and Hazen from Readyville. Colonel Ward was dispatched with his regiment to guard the Carthage roads, and the remainder of the command were placed in position to oppose the advance of the Federals immediately in front. Colonel Gano, being the ranking officer, took command, and Colonel Breckinridge was left to conduct the retreat to Snow's Hill.

During the night of the 2d, the Sixth Kentucky, under the command of Major Bullitt, and Captain Quirk's scouts were placed in position to watch the enemy's movements and the remainder of the command withdrew and took position upon the hill to the east of Liberty. Captain Bryne's battery of two guns was placed in position within a short distance of the town to sweep the road upon which the Federals were advancing. Early next morning the force in front of the town was attacked and driven back by an overwhelming force of Federal cavalry. Major Bullitt, with the Sixth Ken-

tucky, held them at bay for awhile, but their numbers were too great for him and he was compelled to retire. The Federals pressed forward vigorously until they came upon Bryne's "Bull Pups," when they recoiled, and the gallant Major Bullitt and Captain Quirk charged them and drove them back in turn. They were also repulsed at the bridge over Dry Creek, about a mile east of Liberty. Bryne had masked his guns at this point and placed them in position to command the bridge. Waiting until the Federals had crowded upon it, he opened upon them with shells, killing and wounding a number and scattering them in every direction. But this proved to be only a temporary check, for the Federals, receiving a heavy re-enforcement of infantry and artillery, drove the Confederates back.

The line on Snow's Hill, being subjected to a heavy fire of the Federal guns and an attack of infantry, was also forced to retire. A strong force of Federal infantry and cavalry, moving up Dry Creek and turning upon the left flank of the Confederates, passed through a gap in the hill which had not been sufficiently guarded.

Lieutenant Colonel J. M. Huffman, with the Third Kentucky, had been sent to check them at that point, but before he reached there they had passed through. He succeeded, however, in preventing the enemy from cutting off Colonel Breckinridge's command, which had begun to fall back, followed by them in overwhelming numbers. When he began to fall back from his position on the left, he was attacked vigorously in his rear by the Fourth United States Regulars, and his regiment, owing to the nature of the ground, thrown into some confusion. But just at this point Colonel Gano came up, and rallying about thirty men, succeeded in checking the enemy. Soon he was joined by Captain Quirk, with his company, and together they drove the "regulars" back.

The Federals then gave up the pursuit and the command fell back to Smithville.

Though his regiment was engaged, Colonel Smith took no part in these fights, being absent at the time at McMinnville. He and Colonel Duke, who had been absent for some time, came up together from that place just as Colonel Breckinridge was falling back, and, learning the condition of affairs, hastened to rejoin their respective regiments.

About this time Colonel Gano was compelled to retire from active service on account of bad health. This was a severe loss to the command and a source of deep regret to all who had been associated with him. A more knightly gentleman or braver soldier never drew blade than Colonel Richard M. Gano. He was the soul of honor and the impersonation of physical and moral courage. After leaving the command he went to the Trans-Mississippi Department, where he subsequently re-entered the service and won additional laurels.

Nothing further of interest transpired until some time in May following, when General Morgan was ordered to move, with his division, to Clinton and Wayne counties, Kentucky, and drive the Federals, who had effected a crossing of the Cumberland River, back to the north side, and if unable to accomplish that, to oppose their further progress in that region.

Acting under these orders, General Morgan had sent forward the regiments of Colonels R. S. Cluke and D. W. Chenault, which preceded the main body several days, and had held the Federals at bay with dogged persistency, skirmishing and fighting nearly all the time with a superior force of the enemy, until not only exhausted physically, but almost entirely out of ammunition.

At this critical moment Colonel Smith, with his regiment

and the remainder of General Morgan's command, reached the scene of action. Shortly after his arrival, General Morgan, having learned the situation, sent for him and said:

"Colonel Smith, I give you the post of honor to-day. Take your regiment (the Fifth Kentucky) and the Ninth Tennessee and drive the enemy from his position."

Thanking General Morgan for the compliment, and assuring him he would make an earnest effort to accomplish that end, he proceeded at once to the execution of the order.

A strong force of Federals, under the command of Colonel Richard T. Jacob, of the Ninth Kentucky, with a battery of artillery, were strongly posted in a piece of woods in the rear of an open field, through which it was necessary for the Confederates to pass in order to engage them.

There was no alternative. The enemy was thus strongly posted, and the attacking party would be exposed to a galling and destructive fire. But it was no time to hesitate—the order had been given, the work was undertaken, and if done, had to be done quickly. Colonel Smith ordered his men to dismount, placed them in line of battle, and said:

"Soldiers, we are on Kentucky soil and I expect every man to do his whole duty to-day. Move at a double-quick until you can see the eyes of the enemy, then fire and charge."

No order was ever obeyed with more alacrity. The men moved forward in splendid order, at a double quick, across the open field, under a severe fire, but fortunately with little loss, and were soon upon the enemy, driving him from his position. Colonel Smith's loss was only six killed and fifteen wounded, while that of the enemy was twice that number killed and a number wounded and captured. The field was fairly won, the Federals retreating precipitately and in great disorder to the north bank of the Cumberland. But for the density of the woods, which rendered pursuit almost

impossible and enabled them to get their guns away, the whole force of the enemy would have been captured, with the guns, the Third and Sixth Kentucky regiments, under the command of Colonel Morgan, having come up and joined in the pursuit.

Among the killed in this fight was that gallant young soldier, Lieutenant J. Wallace Graves, of the Fifth Kentucky, who at the time was acting as orderly for Colonel Smith, and fell at his side with his body terribly lacerated by a shell, a piece of which severely wounded Captain J. E. Cantrill.*

This was known as the "Battle of Greasy Creek." General Duke, in his "History of Morgan's Cavalry," referring to the retreat of Colonels Cluke and Chenault, and the subsequent defeat of the Federals by Colonel Smith, with the Fifth Kentucky and Ninth Tennessee, says:

"A few seconds more of time elapsing, it was demonstrated that before we could retreat we would be forced to repulse the enemy. At the roar of the guns they came charging across the open ground, yelling like devils or rebels. The crash of musketry, for a minute, in the limited space, was quite heavy. Cluke's line quickly discharged all of its ammunition and then gave back before the enemy's determined rush, without, however, losing its formation or any of the men turning their faces from the enemy. These two regiments were exceedingly reliable.

"After this line had *backed* some twenty-five paces Smith's line came to its support, and the men in the latter, passing through the intervals between the files of the former, poured into the face of the Federals, at that time almost mingled with the men of Cluke's and Chenault's regiments, a volley which

*The evening before this engagement an incident occurred, in connection with Lieutenant Graves, worthy of mention. He was suffering from an unusual depression of spirits, and being asked by his comrades (W. H. Terrill and John Amsden) for the cause, replied: "I have a presentiment I am going to be killed to-morrow," or words to that effect.

amazed them and sent them back. As our line pressed after them, across the open ground, the artillery, only a short distance off, told severely on it and continued its fire until our foremost were close upon the guns."*

The result of this engagement was to give the Confederates undisputed possession of Southeastern Kentucky for some time, no further effort being made by the Federals to cross the Cumberland.

Until June following nothing of importance occurred; that is to say, there were no "raids" nor engagements of consequence, though the command was by no means idle. It had a long line to guard and was constantly engaged in the arduous duties of picketing and scouting, with an occasional brush with the enemy. Several very successful scouting expeditions were made to the north side of the river during this time, resulting in much annoyance and damage to the enemy, and serving to keep up the *morale* and efficiency of the men, which was always more or less affected by the monotony and inactivity of camp life.

Having accomplished the object for which this expedition was made, on the 26th of May General Morgan returned with his command to Alexandria and Liberty.

The First Brigade was stationed on the Lebanon Pike and the roads to Carthage and Statesville, with headquarters at Alexandria.

The Second Brigade, under the command of Colonel Adam R. Johnson, was stationed on the Murfreesboro Road, with headquarters at Auburn.

The total effective strength of the command at this time was about twenty-eight hundred men. It was in better condition than it had been at any previous time in its history,

*Duke's History of Morgan's Cavalry, 393.

being well provided with horses and having but recently received a supply of clothing and arms, both of which were sorely needed.

The time was spent in picketing, scouting, and disciplining the men. They stood sorely in need of the latter. At no time was that what it ought to have been. This, indeed, was the great trouble throughout the Confederate army—that the highest discipline was not always enforced. This was one thing that gave the Federals the decided advantage towards the close of the war.

So far as the relative courage of the soldiers was concerned, there can be no doubt that, as a rule, the Confederate soldier was the superior, and as a general thing better officered. This was demonstrated by the fact that almost invariably, where there was anything like an equality of numbers, the Confederates were victorious, and the fact that they were able to hold out so long against such *vast odds* and the inexhaustible resources of the North, despite this great lack of discipline in their armies, so essential to a successful warfare.

This deficiency of the Confederate soldier was due largely to this very fact of his superior personal courage, which made him too high-spirited to submit to a strict discipline, especially where submission appeared to him servile and a reflection on his manhood, and not to any general laxity or inefficiency of the officers, who were generally firm and efficient men. The difference was that marked difference always between the volunteer and what may be termed the "regular" soldier—the former doing pretty much as he pleases, the latter knowing nothing but to obey.

Had it been otherwise, though, it could only have prolonged that struggle, for it was only a question of time, with the possible chance of some intervening foreign assistance,

when the South must yield, the disparity between the two sections in numbers and resources being too great.

It is not intended, by what is here said, to disparage the American-born soldiers in the Federal army, for they were generally brave men, especially those from the Border and Western States, many of whom had the same blood in them as the Southern soldier. But the Federal army was composed very largely of the foreign element—paid hirelings, like the Hessians in the war of the Revolution—the scum of Europe and the great Northern cities, who went into that war solely from motives of gain and pillage.

It could not be expected that such men would evince that degree of courage, had they possessed it, shown by the native-born American soldier, fighting for his country, moved by the loftiest motives of patriotism.

CHAPTER IV.

INDIANA AND OHIO RAID—BATTLES OF GREEN RIVER BRIDGE AND LEBANON—MARCH THROUGH INDIANA AND OHIO—DEFEAT AND CAPTURE AT BUFFINGTON ISLAND—SURRENDER OF GENERAL MORGAN.

In the early part of June following, General Morgan conceived the idea of his raid into Indiana and Ohio. It was a grand conception, and, had it not resulted so disastrously, would have been recorded as the most brilliant achievement of the war.

There were difficulties in the way of the success of the enterprise, which, from the outset, rendered it exceedingly doubtful of accomplishment and caused the gravest apprehensions on the part of some of his officers, who were nearest to him and shared in his councils, though they were always ready to follow where he should lead.

Besides having to cross the State of Kentucky, strongly garrisoned at every point with Federal troops, it was necessary to march a great distance through two hostile and thickly-populated States, with an enemy at every turn with abundant facilities for communication and the transportation and concentration of troops. Then it was necessary to cross the Ohio River twice—in entering those States and in making his exit from them, leaving that river in his rear and taking the chances of being able to ford it near its source. This alone was an extremely hazardous undertaking, owing to the frequency of floods in the Ohio. Whether he would be able to recross it, even though he might pass successfully through those States, was exceedingly doubtful. For, in addition to the danger of floods in the river at that season of the year, which was great, especially near its source, there was the

danger of gunboats preventing him from crossing, though the river might be fordable in places. The result showed how well-grounded these apprehensions were.

General Morgan was aware and not unmindful of these difficulties and dangers, and had taken every possible precaution against them, by sending competent and reliable men to inspect the fords of the upper Ohio and posting himself as thoroughly as it was possible as to the available strength, resources, and position of the enemy along the line of his proposed raid. Having taken these precautions, and impressed with the necessity of such a move at that time, as a means of diverting the enemy under Rosecrans, who were pressing Bragg in Tennessee, he determined to make it, notwithstanding the difficulties in the way of success and the fact that General Bragg, in whose department he was, had ordered him to confine himself to Kentucky. This was disobedience and insubordination, but as General Morgan thought the end and opportunities justified the action, which, if successful, would merit praise and not censure, and he had faith in his ability to succeed. How near he came to a realization of his hopes the sequel shows.

With these views he at once began the execution of his plan of operations.

On the 27th day of June the command, consisting of two brigades—the First and Second—numbering about twenty-four hundred effective men, with four pieces of artillery (two parrots and two howitzers), left Sparta, Tennessee, and crossed the Cumberland, near Burksville, July the 2d. Here they were met by a portion of the forces of the Federal General Judah, which were defeated in a sharp, quick contest.

Early next morning the command pushed on to Columbia, Kentucky, where they encountered the advance guard of Wolford's celebrated Kentucky cavalry, numbering about

two hundred and fifty men, dispersing them, killing seven and wounding fifteen, the Confederates losing two killed and two wounded. Among the wounded was the gallant Captain J. T. Cassell, of Colonel Morgan's regiment, who was shot in the thigh.

As the troops passed through Columbia some of the men acted in a most disgraceful manner, breaking open and plundering a store. As soon as General Morgan was apprised of it he compelled a restitution of the goods and punished the offenders.

On the night of the 3d the command encamped about eight miles from Columbia, on the Lebanon Road, and early next morning (July 4th) moved in the direction of Green River.

It was ascertained by a scouting party, sent out for the purpose, that the enemy, about four hundred strong, under the command of Colonel Moore, of Michigan, was strongly intrenched at Green River Bridge, and General Morgan decided to attack him. Before making the attack, however, he sent in a flag of truce, demanding a surrender. Colonel Moore very coolly replied: "If it was any other day I might consider the demand, but the 4th of July is a bad day to talk about surrendering. I must, therefore, decline."

Approaching rapidly, General Morgan found that the Federals were well posted, with natural advantages of position, a heavy *abatis*, and strong intrenchments. Immediately in front of these they had felled timber, making the works almost unapproachable. To get at them it was necessary for the men to pass over this timber, thus completely exposing them to the fire of the enemy.

The regiments of Colonels D. W. Chenault and A. R. Johnson were first put in action. At the command to advance, the men rushed forward with enthusiasm, and were

soon close upon the enemy's works, when they were stopped by the fallen timber and fell fast under the withering fire of the enemy. The Fifth Kentucky was then ordered forward, but, after a desperate struggle, it was also forced to retire with severe loss.

General Duke, in his account of this fight, says:

"General Morgan ordered me to send a regiment to Colonel Johnson's support and I sent the Fifth Kentucky. Colonel Smith led his men at a double-quick to the *abatis*, where they were stopped, as the others had been, and suffered severely. The rush through a hundred yards of undergrowth, succeeded by a jam and crowding of a regiment into a narrow neck, and confronted by the tangled mass of prostrate timber and the guns of the hidden foe, was more than the men could stand. They would give way, rally in the thick woods, and try it again, but unsuccessfully."

Finding the enemy so on the alert, Colonel Smith made a close and thorough reconnoisance and reported to General Morgan that, in his opinion, the enemy could not be dislodged. Acting upon this, General Morgan withdrew his forces and passed Green River at a ford about one mile below the bridge.

Though this was a small and unimportant affair, Colonel Smith regarded it as one of the bloodiest and most destructive of the entire war, considering the length of the engagement and the numbers engaged on each side.

Out of about six hundred men engaged on the Confederate side (only portions of the Third, Fifth, and Eleventh Kentucky being engaged), thirty-six men were killed and forty-five wounded in less than half an hour, including eleven commissioned officers, seven of whom belonged to the Fifth Kentucky alone, showing the heroic part borne by that gallant regiment. Among the killed were Colonel Chenault

Captain Alex. Tribble, of the Eleventh Kentucky; Major Thomas Y. Brent and Lieutenants T. J. Current, of Bourbon County; James H. Ferguson, of Woodford County; George W. Holloway, of Scott County (brother of the gallant Captain L. D. Holloway), all of the Fifth Kentucky; and Lieutenant Robert Cowan, of the Third Kentucky, all brave and efficient officers and a severe loss to the command. In addition to these were Sergeant Weston Threlkeld, of Scott County, and Privates Dennis O'Nan, of Franklin County; James A. Headley, of Fayette County; Samuel Miles, Jr., of Woodford County; S. T. Johnson and B. Fisher, of Scott County, and A. Boggess and Alex. Hockersmith, of Anderson County, also of the Fifth Kentucky. The loss of Colonel Chenault and Major Brent was especially severe and deeply lamented. They were both very valuable officers and men of great personal bravery—recklessly so. But for an unnecessary exposure of their persons, both might have been spared. Major Brent had a magnificent form and the bearing and mien of being every inch the soldier he was, which made him a splendid mark for a bullet and among the first to fall. Among the wounded officers were the gallant Lieutenants James H. Ferguson, of Scott County; M. V. Gudgell, of Anderson County, and Joseph M. Bowmar, of Woodford County, then Acting Adjutant for Colonel Smith, all of the Fifth Kentucky.

Never was greater heroism and reckless daring displayed as on this occasion, both by officers and men, the men of the Fifth Kentucky, led by Colonel Smith in person, going up again and again to the very guns of the enemy under a most terrific and deadly fire, and only prevented from taking the works by the impenetrable mass of fallen timber, over which it was impossible to pass.

The Federal commander, Colonel Moore, was a gallant

and able officer, and made a heroic defense. No one could have displayed greater skill and judgment than he did, both in the selection of his position, which was impregnable, and in the manner in which he defended it.

The Federals, being under cover and fully protected by the intrenchments and *abatis*, suffered less, losing, according to the best authenticated accounts, only nine killed and twenty-six wounded.

On the evening of the 4th of July the command encamped within five miles of Lebanon, and the next day advanced in that direction. Finding the town strongly garrisoned with Federal troops, under the command of Colonel Charles S. Hanson, of the Twentieth Kentucky (a brother of General Roger Hanson, of the Confederate army), General Morgan demanded its immediate surrender, and upon that officer's declining to comply, began an immediate attack. After several hours of hard fighting, in which the regiments of Colonels Ward, Grigsby, Cluke, and Chenault (the latter under the command of Lieutenant Colonel Joseph T. Tucker), and the Second Kentucky, under the command of Major T. B. Webber, bore a gallant part, but without result and with little loss on either side, it was found that the Federals held position in the railroad depot, strongly barricaded, with one twenty-four-pound gun commanding every approach.

The guns of Bryne's battery, in charge of Lieutenant E. D. Lawrence, being brought to bear upon the depot, but with little effect, owing to its situation on low ground and the presence of the Federal sharpshooters, it was determined to take it by assault. The Fifth Kentucky was accordingly ordered forward and moved promptly, at a *double-quick*, through open lots, under a severe fire, with Colonel Smith at its head, on horseback, leading and cheering his men as usual. Before the depot was reached, however, Colonel Hanson threw out

a white flag, in token of surrender, and, as Colonel Smith approached, surrendered to him in person. At this point Company B, of the Fifth Kentucky, under the command of the gallant Lieutenant John T. Sinclair, entered the depot and received the colors of the enemy, and Colonel Smith ordered Captain C. G. Campbell, of Company A, his regiment (then acting Lieutenant Colonel of the regiment), to throw two companies around the depot to prevent the prisoners escaping and any excesses by his own men.

Colonels Smith and Hanson had been warm personal friends from boyhood, and notwithstanding the bitter prejudices and personal animosities engendered by the war, this meeting was a most cordial and friendly one. Grasping Colonel Hanson firmly by the hand, as it was always his custom to do on meeting an old friend, Colonel Smith exclaimed, with all the warmth and sincerity of his nature, "Why, Charlie, is that you?" and at once assured him he need have no apprehensions as to his treatment. But Colonel Hanson needed no such assurance, for he well knew, when he discovered into whose hands he had fallen, that he and his brave followers would receive every courtesy known to honorable warfare from such a foe as he recognized in his old friend.

General Duke, in his "History of Morgan's Cavalry," strange to say, gives all the credit for this capture to his regiment (the Second Kentucky), under the immediate command of Major Webber, and does not mention these facts; but they are well authenticated by many of the officers and men of the command now living, who were personally present and eye-witnesses to what transpired on that occasion. The Second Kentucky was undoubtedly a splendid regiment—there was none better in the Confederate service—and was entitled to much credit for the part it took in

this fight, as were the other regiments at first engaged; but it would be wide of the truth, and the grossest injustice to the others (especially the Fifth Kentucky, which was the first to enter the depot and receive the colors of the enemy), to give the Second Kentucky all or the chief credit for this victory.

The Confederate loss in this engagement was eight killed and about twenty wounded. Of this number the Fifth Kentucky lost three killed (including Sergeant William Read, of Company E,) and seven wounded. Among the killed were Lieutenants Gardner and Thomas H. Morgan, the youngest brother of General Morgan, a gallant young officer and the idol of the General. Colonel Robert A. Alston, General Morgan's then chief of staff, referring to his sad death, says:

"At the order to charge, Duke's men rushed forward, and poor Tommy Morgan, who was always in the lead, ran forward and cheered the men with all the enthusiasm of his bright nature. Almost at the first volley he fell, pierced through the breast. His only words were, 'Brother Cally, they have killed me.' Noble youth! how deeply lamented by all who knew him! This was a crushing blow to General Morgan, whose affection for his brother exceeded the love of Jonathan for David."*

So great was the excitement occasioned by Lieutenant Morgan's death, owing to his popularity in the command, that an attempt was made, after the surrender, by some of the more impulsive ones, to take Colonel Hanson's life, and it would have succeeded but for the timely interference of Colonel Smith, who was determined to protect his prisoner at all hazards. Whilst he as deeply deplored Lieutenant Morgan's sad death as any man in the command, he regarded

*Col. Alston's Diary.

it in its proper light—as merely one of the terrible calamities of war, for which Colonel Hanson could no more be held responsible than for the loss of any other life in that fight. Instead of being commended for this brave and magnanimous act (which was prompted only by a stern sense of duty), as he should have been by all—even by those who, in a moment of unrestrained anger, would have cast so foul a blot upon the fair name of the command—he incurred the enmity of some high in authority, who never forgave or forgot him for thus doing his duty. It is due to General Morgan to state that he was not among that number.

A gallant ex-Confederate officer, acquainted with the facts, writing of this affair, says:

"This may well be recorded as one of the most gallant and magnanimous acts of the war, for whilst it was the bounden duty of Colonel Smith to protect his prisoner from any violence, yet there were few men who would risk their own lives in an effort to roll back the tide of an infuriated mob—a mob of soldiers, whose familiarity with bloody scenes had made human life a matter of small consequence when opposed to their own will. There are many witnesses to this scene now living who revert to it with a shudder, but speak of it as an example of the highest courage—a most daring disregard of personal danger. As a matter of course this cemented the bond of friendship between Colonels Smith and Hanson, and up to the time of his death Colonel Hanson spoke of this circumstance with a deep and unmistakable gratitude."

Among the wounded in this fight was that brave young officer, Lieutenant James F. Witherspoon, of Company H, Fifth Kentucky, who was shot in the arm, though not seriously, while gallantly leading his men in the charge on the depot.

The fruits of this victory were four hundred and eighty

prisoners, one twenty-four-pound gun, a vast quantity of stores, and many wagons and horses.

When this fight occurred, two Michigan regiments were not a great distance off, on the Harrodsburg Pike, but did not begin to move until after the surrender. Wishing to avoid any further conflict at that time, for which there was no necessity, General Morgan moved on to Springfield, Colonel Smith leading the advance. On reaching that point the prisoners, who had been hurried forward on the approach of the "Michiganders," were paroled, and the command moved on to Bardstown, a company having been previously sent to Harrodsburg to occupy the attention of the Federal cavalry at that place.

Marching all night, the command reached Bardstown early next morning. That night Colonel Alston was captured by the enemy while asleep on the porch of a house at which he had stopped to rest.

At this point the gallant Captain Ralph Sheldon, one of the best officers in the command, who had been sent forward with his company, from Muldraugh's Hill, to reconnoiter towards Louisville, rejoined the command. He had twenty Federal soldiers surrounded in a stable, and was watching to prevent their escape, when the command arrived, learning which they immediately surrendered.

Leaving Bardstown about 10 o'clock that morning, rapid marches brought the command to Brandenburg, on the Ohio River, July the 7th. Here Captains Clay Merriwether and Sam. B. Taylor succeeded in capturing two fine steamers.

From 8 o'clock A. M. on the 8th to 7 A. M. on the 9th was consumed in fighting back the Federal gunboats, "cleaning out" three hundred militia and a number of regulars on the Indiana shore, and crossing the command. The *first* was effected by Captain Ed. P. Bryne, with his battery of two

parrots and two twelve-pounders. The *second* by the Second Kentucky, under Major Thomas B. Webber, and the Ninth Tennessee, under Colonel W. W. Ward, capturing the guard and securing a splendid parrot.

Here the command was rejoined by one of its most daring, skillful, and valuable officers, Captain Thomas H. Hines, of the Ninth Kentucky. Captain Hines, anticipating General Morgan, had just returned from a raid into "Hoosierdom," where he had stirred up a regular "hornet's nest," and finding it too warm for him, was retiring in the best order imaginable.

On the same day, July the 9th, the command marched on Corydon, Indiana, fighting near there a large body of militia, capturing a number and dispersing the remainder. From thence they moved, without halting, through Salisbury and Palmyra to Salem. At the latter place one hundred and fifty militia were encountered and dispersed by twelve men of the advance guard, under command of Lieutenant Welsh, of the Second Kentucky. It was at this point General Morgan first learned, through his operator (G. A. Ellsworth), the station and number of the enemy: That Indianapolis was full; that there were fully two thousand at New Albany; that about three thousand had arrived at Mitchell, and that altogether there were between twenty-five and thirty thousand men under arms to oppose him.

Remaining at Salem long enough to destroy the railroad bridge and track, a scout was sent to the Ohio & Mississippi Railroad, near Seymour, to burn two bridges and a depot there, and destroy the track, which was soon effected.

Leaving Salem at 2 o'clock, by rapid marching the command reached Vienna, a small place on the Indianapolis & Jeffersonville Railroad, about dusk. Having captured the telegraph operator at this point before he could give the

alarm, General Morgan again called Ellsworth into requisition and by this means obtained some valuable information. Among other things, it was learned that orders had been issued to the militia to fell timber and blockade all the roads the Confederates would likely travel.

Taking the Lexington Road from this place, after riding all day that place was reached at nightfall, where a number of supplies were captured and the depot destroyed. Early next morning the command moved on Paris. Colonel Smith was sent by General Morgan to make a feint movement against Madison, for the purpose of diverting the attention of the Federal troops, who occupied that place in strong force.

While this was being accomplished by Colonel Smith, the remainder of the command moved quietly through Paris to a point near Vernon, where he rejoined them. Here it was ascertained that a strong Federal force occupied Vernon. General Morgan, not caring to engage them, after making a feint movement against the place by throwing out skirmishers and demanding its surrender, moved around Vernon to Dupont, reaching that point early next morning. At this place was an extensive pork-packing establishment, containing a large number of hams, to which the men helped themselves. It is narrated, by those who witnessed it, as a most amusing sight to see each man with a ham strung to his saddle, and so it must have been.

The men had now been marching almost incessantly since they crossed the Ohio River, stopping only at short intervals to rest and feed themselves and horses, and sleeping in their saddles as they rode along. The fatigue was fearful. Only those who participated could have any idea what the men endured during that time; and the end was not yet.

The whole country along the line of march was aglow with

bonfires in celebration of the surrender of Vicksburg. The people had no idea that a "rebel" was within two hundred miles of them, and their surprise and dismay can better be imagined than described when they found it was not only true, but that it was the "terrible John Morgan," of whom they had as great a horror as did their soldiers.

Everywhere were found deserted houses, in the utmost confusion, with bread cooking in the oven and meat on the griddle, showing that the occupants had not only "stood upon the order of going, but went at once."

From Dupont the command proceeded to Versailles, capturing there and on the road about five hundred prisoners. Near this place an incident is narrated to have occurred worthy of mention:

"Captain P., a Presbyterian Chaplain and former line officer of one of our regiments, wishing to change steeds, moved ahead, flanking the advance and running upon a full company of State militia. He boldly rode up to them and inquired for the captain. Being informed there was a dispute as to who should lead them, he volunteered his services, expatiating largely upon the part he had played as an Indiana captain at Shiloh, and was soon elected to lead the valiant Hoosiers. Twenty minutes spent in drilling inspired confidence, and when the advance of Morgan's command had passed without Captain P. permitting them to fire, he ordered them into the road and surrendered them."*

From Versailles the command moved, without interruption, to Harrison, Ohio, burning a fine bridge there, and destroying the track and burning several small bridges on the Lawrenceburg & Indianapolis Railroad. Leaving Harrison at dusk, the command marched rapidly in the direction of Cincinnati, passing within seven miles of that city at a point

* Diary of A. A. General S. P. Cunningham.

between there and Hamilton, and a scout running the Federal pickets into the city.

Here General Morgan expected to be opposed by the combined forces of Burnside and Judah, and anticipated great difficulty in escaping their "clutches," the command, by this time, being reduced to less than two thousand effective men, and these, broken down and dispirited from the excessive fatigue of constant marching and loss of sleep, were in no condition to encounter fresh troops, and regulars at that. But his apprehensions were groundless, for those gentlemen were concentrating their forces at another point and were not yet prepared to meet him.

July the 14th and the night following, the command made a circuit of not less than one hundred miles, passing near to "Camp Dennison." During this night's march many of the men rode along fast asleep. They were so exhausted, from continued exertion and loss of sleep, that but for the untiring efforts of the officers, hundreds would have fallen by the roadside and into the hands of the enemy. Many did, despite all that could be done to prevent it.

Nothing of consequence occurred after leaving the vicinity of "Camp Dennison," except at "Camp Shady," where seventy-five Government wagons and a vast quantity of forage was destroyed.

Until July the 14th the command was constantly on the march over bad roads, making detours, threatening Chillicothe and Hillsboro on the north and Gallipolis on the south. The whole country was up in arms and swarming with militia, who, but for their inefficiency and cowardice, might have captured or destroyed the entire command before this. Hundreds of them were captured daily, and often without the firing of a gun or the loss of a man. Blockaded roads, ambuscades, and *bushwhackers* were encountered on every side.

The constant cry was "*axes to the front,*" and the men were continually reminded of the dangers ahead and warned of the meshes into which they were gradually being drawn.

Of the hardships and sufferings the men were called upon to endure during this fearful ride, no one could have any idea save those who participated. Colonel Smith thus graphically describes it:

"Never did mortals endure greater hardships, since Napoleon's retreat from Moscow, than did the officers and men of General Morgan's command on that raid into Indiana and Ohio. I dare say none that were engaged in it will ever forget it. I am sure I never shall. The loss of sleep was terrible; it was this that fatigued me most. For twenty days and nights we were almost constantly in the saddle, taking little or no rest except what we could get on our horses, many of the men riding along fast asleep."

Worn out and dispirited, the command reached Portland, a small place on the Ohio River, near Buffington Island, at about 8 o'clock P. M. on July the 18th. At this place was a ford, guarded by several hundred regular infantry, who were strongly intrenched behind earthworks, mounted with two heavy guns. General Morgan was desirous of crossing the river here, but before this could be done it was necessary to take these works, which commanded the ford. Any attempt to cross the river, in the face of such a fire as the Federals could bring to bear upon them, would cause too great a sacrifice of life.

General Morgan consulted those of his officers nearest to him as to the propriety of attacking the works and attempting to cross the river that night. There were strong reasons why he should not do so. The night was intensely dark, he was unacquainted with the ground, and had no guides. The

enemy were in position, strongly intrenched, with heavy artillery, and had only to keep position and fire straight ahead, while General Morgan would be under the necessity of preserving his lines, and there was great danger of the men mistaking each other for the enemy in the darkness of the night. Moreover, if the attempt failed, the darkness would add to the confusion and might result in the complete demoralization of the men. To make an attack under such circumstances as these would be extremely hazardous. On the other hand there was danger in delay. If he did not cross the river that night, he would, in all probability, have to contend with vast odds the next day. For, as he was well aware, the enemy in strong force, under Generals Hobson and Judah, were rapidly approaching on all sides. Moreover, the river having risen several feet, there was the additional danger of the arrival of the Federal gunboats before morning, which General Morgan had every reason to believe were near. Even though he might be able to elude or cut his way through the land forces, he would have them to contend with, for which he was not prepared, his artillery ammunition being nearly exhausted—having only three cartridges to the gun left, and small arms being of no avail against gunboats.

General Morgan weighed these reasons *pro* and *con* and concluded not to make an attack or attempt to cross the river until morning. This proved to be a fatal mistake, though had he acted otherwise it might have proven equally disastrous. The odds were against him in either case, and any decision he might have made could not, perhaps, have changed the result.

Efforts were made during the night to find other fords, but without success.

Early next morning Colonel Smith was ordered to take his regiment and the Sixth Kentucky, under the immediate

command of Major W. G. Bullitt, and attack the works. He received the order at about 3 o'clock A. M. and proceeded, with his accustomed promptness, to its execution.

On approaching the works, he discovered they had been evacuated and the guns spiked and otherwise disabled. Also, that the enemy had left only about an hour before. Through a lack of vigilance on the part of the scouts stationed to watch the enemy, General Morgan was not apprised of this fact. Had he have known it in time, he could have crossed the entire command before the Federals came up. Thinking that the enemy had taken the Pomeroy Road, Colonel Smith was ordered to take that road in pursuit. He had not proceeded far before the Federals appeared in his front in strong force. He immediately opened upon them, killing and wounding a number and capturing one piece of artillery and a number of prisoners, including the Adjutant General of General Judah and all of his official papers, from whom he learned that Judah was approaching in strong force, according to these papers about five thousand in number. Among the killed in this fight, on the Federal side, was Major McCook, the father of the noted Federal General McCook. Colonel Smith's loss in this engagement was only one man killed and three wounded. He sent the captured officers at once to General Morgan, with news of the fight and his situation. General Morgan thereupon ordered him to hold the enemy in check and fight as long as he had power. This he did well and persistently for several hours, until General Morgan and a large portion of his command were able to escape, and until he was completely environed, overpowered by a vastly superior force of the enemy, and compelled, in mercy to a worn-out and disheartened soldiery, to surrender.

General Duke, who, during the fight, had gallantly come to his assistance, was included in the surrender. Also,

Colonels R. C. Morgan and W. W. Ward, and Majors W. G. Bullitt and R. S. Bullock, and other officers, who had been forced into a ravine by a charge of the enemy and cut off from their commands.

The total number of prisoners taken by the enemy in this fight was about eight hundred, the remainder of the command having either escaped across the river or with General Morgan, who, in the meantime, had fallen back and eluded the enemy.

Colonel Smith thus describes this affair and the part he took in it:

"Early next morning (July 19th) Colonel Duke came to my quarters and said:

"'Colonel, General Morgan wants you to take your regiment and the Sixth Kentucky and go down the river about a mile or so, and take an earthwork thrown up by the enemy, and their guns, mounted for the purpose of commanding the ford. I will go with you, Colonel.'

"I had my men mounted immediately and proceeded to execute this order. On reaching the works, it was found that the enemy had evacuated, spiking and disabling their guns. Taking the Pomeroy Road, which way, it was supposed, the garrison had retreated, I moved slowly and cautiously. At about daylight I came upon the advance guard of General Judah and attacked them, killing and wounding a number and taking a number of prisoners, together with all of their artillery. Among the captured was the Adjutant General of General Judah, who informed me of the heavy advance of the enemy then approaching. I at once reported this fact to General Morgan and Colonel Duke (who was then with the General) by courier, and placed my command in position to receive the enemy. In less than an hour they appeared in such force that it seemed the whole face of the earth was covered with them. I immediately opened on them with two pieces of artillery and with small arms, with what effect I could not tell. But it is known that quite a number

of saddles were emptied. They also opened on me very promptly with shell and minnie, and commenced moving on my flanks, which made it necessary for me to fall back and take a new position, which I did in good order. In the meantime two gunboats, mounting two guns each, appeared on my left in the river and opened a most terrific fire on my men, and on my right the bluffs were covered with the enemy's skirmishers, firing into me with small arms. Very soon General Morgan began to retreat, and I found myself with but two small regiments—my own and the Sixth Kentucky—about five hundred men only, covering that retreat, confronted by fearful odds. There was but one road for retreat and that a very narrow one.

"The enemy was firing into me furiously from my front and enfilading fires were poured into my right and left flanks. I had in the meantime lost all my artillery, including that which I had captured in the morning. The air seemed literally filled with one sort of dread missile or other. It is a matter of great surprise to me that the whole command was not killed or captured then and there. But as it happened, we had not altogether exceeding twenty-five killed and wounded and not more than eight hundred taken prisoners. Never did men behave with greater coolness and valor than did the men of the Fifth and Sixth Kentucky on this trying occasion. But for their inflexible courage the whole command would undoubtedly have been captured in the bottom opposite Buffington Island.

"My loss in killed and wounded did not exceed ten men. Colonels Duke, Dick Morgan, and Ward, and Majors Bullock, Bullitt and myself, together with other officers, were cut off from the main command and captured.

"General Morgan succeeded in falling back and escaping with most of his command. Shortly after I had commenced to retreat, Colonel Duke appeared and assumed command of the small brigade in my charge. He behaved with signal gallantry, as he always did, but it was all of no avail. We had been overtaken by overpowering numbers and every ford was guarded and protected by either the two gunboats in the

river or by a superior force on land. No energy, courage, or skill would avail anything. The *fates* had overtaken the gallant and indomitable Morgan and he was bound to succumb. He could personally have escaped, and some of the officers and men urged him to do so, but he declined, saying that he would share their fate.

"In consequence of our covering the retreat of the division, Colonel Duke and myself were among the first to be captured. The officer to whom we surrendered belonged to a Michigan regiment, whose name I can not now recall. He treated us with great kindness and consideration, as did all the officers and men with whom we came in contact, with a single exception, which was promptly rebuked by the ranking officer present. I admire and respect a true soldier and gentleman, even though he be an enemy on the field, for such invariably treat their prisoners kindly. No man, except a blackguard and coward, will ever treat his prisoner with unkindness or disrespect."

General Duke, referring to the part taken by Colonel Smith in this engagement, says:

"As soon as the day dawned, the Fifth and Sixth Kentucky were moved against the work, but found it unoccupied. It had been evacuated during the night. Had our scouts, posted to observe it, been vigilant, and had this evacuation, which occurred about 2 P. M., been discovered and reported, we could have gotten almost the entire division across before the troops coming from Pomeroy arrived. The guns in the work had been dismounted and rolled over the bluff. I immediately sent General Morgan information of the evacuation of the work and instructed Colonel Smith to take command of the two regiments and move some four or five hundred yards further on the Pomeroy Road, by which I supposed the garrison had retreated. In a few minutes I heard the rattle of musketry in the direction the regiments had moved, and riding forward to ascertain what had occasioned it, found that Colonel Smith had unexpectedly come upon a Federal force advancing upon this road. He attacked and dispersed

it, taking forty or fifty prisoners and a piece of artillery, and killing and wounding several. This force turned out to be General Judah's advance guard, and his command was reported to be eight or ten thousand strong and not far off. Among the wounded was one of his staff, and his Adjutant General was captured. I instructed Colonel Smith to bring the men back to the ground where they had been formed to attack the work, and rode myself to consult General Morgan and receive his orders."*

Thus did Colonel Smith, for several hours, with two small regiments (the Fifth and Sixth Kentucky), numbering together not more than five hundred men, hold at bay the entire force of General Judah, estimated, according to the best authenticated accounts, at about five thousand regulars, whilst Colonel A. R. Johnson, with a small brigade, confronted General Hobson, who was approaching, on the Chester Road, with about three thousand men, until General Morgan, with the remainder of the command, was able to make good his retreat.

In addition to these vastly superior forces in their front, they were subjected to a terrific fire of the gunboats on their left, which shelled them furiously. It is no wonder they were at last forced to succumb. How these brave men were able to stand their ground as long as they did and escape utter annihilation, in the face of such odds and under such a galling fire as was poured into them from all sides at once, was a *miracle*.

General Duke had sent several couriers to General Morgan, asking for his regiment (the Second Kentucky), which he wished to post on the ridge on his right and to cover that portion of the line, which was extremely weak and exposed to the enemy, who had appeared in strong force in that quar-

* Duke's History of Morgan's Cavalry, 448.

ter. That regiment, which was anxiously expected, not having arrived, Colonel A. R. Johnson offered him a detachment of his brigade for this purpose. But General Duke, believing that his regiment would be up in time, declined the offer.

After the surrender, Colonels Smith and Duke, together with a number of other officers and men, were marched ten miles down the river on foot, under a hot July sun, placed on board a transport, and taken to Cincinnati. This march told severely on them, after all they had gone through, and was more than some of them could stand, several almost fainting on the road from the heat and sheer exhaustion.

There was no occasion or excuse for such treatment as this, for at the time there was a boat lying at the wharf near by, on which the prisoners could as easily have ridden. This was done, it is said, by the order of General Judah, who, for some reason, entertained an inveterate prejudice against General Morgan and his command, doubtless because of the superior generalship he had shown in flanking and eluding that gentleman, and the sound thrashing he administered to a portion of his command when he attempted to dispute General Morgan's passage into Kentucky, and on several other occasions, for which Judah never forgave or forgot him. It must be admitted, however, in extenuation of this offense, that such impressions as these are rarely ever effaced, especially when made upon first acquaintance and in such a positive manner as in this instance, even from the memory of better men than Judah. It could, therefore, hardly be expected that *he* would have any admiration or love for those who had made such an impression on *him.*

Some days later, General Morgan, being pursued by the enemy, in strong force, under Hobson, after several times eluding him, was overtaken and captured, with the remnant of his command, in the extreme eastern portion of Ohio.

Finding he would have to surrender, the enemy having him completely surrounded and further escape being utterly impossible, General Morgan sought to obtain for himself and men the best terms possible. For this purpose he had an interview, under a flag of truce, with a Captain Burbeck, of the Ohio militia, from whom he knew he could get better terms than from any officer of the regular troops. Burbeck, flattered by the offer and proud of the distinction of accepting the surrender of such a man as Morgan, was ready to grant any terms. General Morgan accordingly surrendered o him upon the condition that both the officers and men were to be paroled, the officers retaining their horses and the men their horses and side arms.

This arrangement was, however, subsequently disapproved by General Shackleford, the second in command to General Hobson, who, on his arrival, took immediate steps to prevent its execution. The brave and chivalric Woolford, with his accustomed generosity to prisoners, and other Federal officers who had been General Morgan's prisoners, sought to have the terms of the surrender observed, but despite their efforts they were not carried out.

Colonels Warren Grigsby and A. R. Johnson, Captains Ed. P. Bryne and S. P. Cunningham, A. A. General to Colonel Johnson, and Lieut. Jas. F. Witherspoon, together with other officers and men to the number of between three and four hundred, succeeded in crossing the river and escaping into West Virginia. There they reorganized, and after a perilous journey, in which they endured many privations and hardships, reached the Confederate lines in safety. General Morgan, who was well mounted, had reached the middle of the river and could as easily have crossed and escaped with them, but seeing that the greater portion of his command would be left behind, returned, against the urgent protests

of some of his officers and men, to share their fate. This was an unselfish and noble act and characteristic of the man, who could not bear the idea of seeming to desert his brave followers, who had stood by *him* to the last and shared with *him* the common hardships and dangers of that fearful ride.

Had not the gunboats come up about that time and cut them off, the greater part of the division would have crossed the river and escaped. Thus ended the most memorable, and in many respects brilliant, raid of the war. For whilst it resulted most disastrously to the command, and entailed a serious loss on the Confederacy in the capture of one of its most dashing and successful cavalry leaders and his able lieutenants and brave followers, up to that time it had been most successful, and would have been finally so but for a rise of several feet in the Ohio—an event which no human power could prevent—which enabled the Federal gunboats to come up and do what the Federal land forces, with all their superiority in numbers and other advantages, had not been able to accomplish—cut off all retreat.

Inside of twenty-two days General Morgan had marched, with his command, several hundred miles through three States—Kentucky, Indiana, and Ohio—the former of which was strongly garrisoned at every point with Federal troops, and the two latter hostile, thickly populated, and thoroughly aroused and determined to effect his capture or destruction, with every means and facility at command for doing so; had taken and paroled in that time not less than six thousand prisoners, captured and destroyed six pieces of artillery, and destroyed railroad bridges, depots, and Government supplies, besides doing other damage to the enemy, not far short of ten million dollars.*

* Diary A. A. General S. P. Cunningham.

Moreover, the object of this raid was accomplished in the assistance given General Bragg in Tennessee, by diverting from Rosecrans a large body of troops, whose services he needed at that time, and which, had they reached him, would have taken part in the battle of Chickamauga, and delayed for some time the fall of East Tennessee by necessitating a withdrawal of the Federal forces that were preparing to invade that quarter in strong force.

It is estimated that, from first to last, not less than one hundred thousand men, including the militia, were employed to oppose him, and every conceivable obstacle was thrown in his way. Notwithstanding these vast odds arrayed against him, and all the disadvantages under which he labored, General Morgan accomplished the principal object of his raid, and but for the circumstance before mentioned—an event beyond his control—would have escaped with his entire command.

CHAPTER V.

HIS CONFINEMENT AT JOHNSON'S ISLAND AND IN THE OHIO STATE PRISON—BARBAROUS TREATMENT OF THE PRISONERS—HIS REMOVAL TO CAMP CHASE ON "LIMITED PAROLE"—HIS SPECIAL EXCHANGE, AND RETURN TO THE CONFEDERACY.

After a tedious journey of three days on the river, owing to the slow speed of the little boat on which they were carried, the prisoners, with the exception of several who, despite the vigilance of the guards, escaped on the way, reached Cincinnati.

It is proper to state that on this trip the prisoners were treated with great kindness by their captors—both officers and men, who had seen service and many of whom had been prisoners themselves, and knew how to treat a valiant but fallen foe, as all brave soldiers invariably do.

The officer in immediate charge of the prisoners was a Captain Day, General Judah's Inspector, who was especially kind to them, showing them every courtesy he could consistently with his duty. The officers feeling deeply grateful to him for his great kindness, united in requesting him to accept a letter signed by each, in which they expressed in appropriate terms their appreciation of his kindness, and the hope that should *he* ever be so unfortunate as to become a prisoner *himself*, this evidence of his consideration for their situation might be of benefit to *him*.

On the arrival of the prisoners at Cincinnati, they were marched through the streets of the city under a strong military escort to the city prison, where they were placed in confinement. The streets were thronged with an excited populace, who apprised of their arrival had gathered to see them; and as they passed along it was with great difficulty

that the guard could keep the crowd back even with the use of the bayonet, so great were their demonstrations of feeling against the prisoners as well as curiosity to get a glimpse at the followers of the "terrible John Morgan," of whom they had heard so much and had such a horror, and who but recently had struck terror to so many of their hearts when he came so unpleasantly near to their city, and they had not *the heart* to go out and meet him. Their conduct on this occasion was in marked contrast with what it then was, when these *now helpless prisoners* were soldiers with arms in their hands. The soldiers guarding them, annoyed by the crowd pressing closely about them, and disgusted with such treatment of their prisoners, would remind them of this contrast in strong terms, as they plied their bayonets to keep them back.

After three day's confinement at Cincinnati, Colonels Smith and Duke, together with the other officers, were taken to Johnson's Island, a United States military post, in the northern portion of Ohio, on Lake Erie, near Sandusky, and the privates to Camps Douglass and Morton. On the day they left Cincinnati they heard for the first time with feelings of disappointment and sorrow of the capture of their beloved chieftain, who they had hoped and confidently believed had escaped.

At every station along the route, from Cincinnati to Sandusky, great crowds assembled to witness them. Everywhere they were met with taunts and jeers, and even threatened with violence. But for the presence of the soldiers and their good sense and discretion in bearing these threats and insults with calmness and resignation, they would have been led to immediate execution. If there were any sympathetic "copperheads" around of the Vallandingham sort, they made themselves exceedingly scarce. What a change had come

over these people in the short time that had elapsed since the capture! Only a few days before, these valiant Ohioans could not find a hole small enough to crawl into to escape these men for whose "gore" they were now so clamorous.

When Sandusky was reached, the prisoners were placed on a small tug, and in a few minutes landed at Johnson's Island, which is only a short distance from that city, across the arm of the lake, which separates the island from the main land.

After passing through the usual initiation into prison life, they were introduced without further ceremony into their new quarters. They had not sought this introduction, to be sure, and their new acquaintance was not exactly of the kind they would like to have made, but it was the best that could be done under the peculiar circumstances of the case, and they accepted the situation as became men—John Morgan's men. Nor was the fare just what they would like to have had, for they had been accustomed to better, especially when they were in the enemy's country (and it is hardly necessary to add, they were there often, though never before under such circumstances as these), but it was very good "considering"—better than their infantry men generally got—though this latter fact offered little consolation to their delicate palates and rebellious stomachs.

Here they had the pleasure ("misery loves company") of meeting a number of unfortunate "rebels" like themselves. Among this number were some of their old comrades, who gave every evidence of being equally glad to see them, and exerted themselves in initiating them into the ways of prison life, and making it more endurable. Their sojourn here, however, was of such short duration that they had no chance to improve the opportunity offered.

After a confinement of only four days at this point, they

were taken to Columbus, Ohio, and much to their surprise and indignation, placed in the Ohio State Prison, with these instructions to the Warden, that "these men should be subjected to the usual prison discipline." As they entered the prison to be assigned to their respective cells, they were also informed that they "were there to stay."

General Duke thus describes their feelings at the time:

"When we entered this gloomy, mansion of 'crime and woe,' it was with misery in our hearts, although an affected gayety of manner. We could not escape the conviction, struggle against it as we would, that we were placed there to remain while the war lasted, and most of us believed that the war would outlast the generation. We were told when we went in, that we 'were there to stay,' and there was something in the infernal gloom and the massive strength of the place, which seemed to bid us 'leave all hope behind.'" *

At Columbus the prisoners met General Morgan, who, with most of his officers who had surrendered with him, had been sent directly from Cincinnati several days before.

The instructions given to the Warden were literally carried out. The next day after their arrival, the prisoners were taken out of their cells, stripped of their clothing, placed in hogsheads of water, and scrubbed by convicts. Then they were placed in barber chairs, and their heads shorn and beards closely shaven, and subjected to other indignities. After this was done, they were returned to their respective apartments, kept in close confinement, and subjected to the same treatment that the regular convicts were. Colonel Smith thus describes their treatment:

"On Saturday morning last all the officers on Johnson's Island belonging to General Morgan's Division, above the rank of captain, fifty-two in number, were ordered to be

* Duke's History of Morgan's Cavalry, 468.

removed to this place. We reached here late in the afternoon of that day, and were immediately marched to this prison, and each of us placed in close confinement in separate cells. And here am I to-day in a felon's cell in the Ohio State Prison! And for what? Let posterity answer. The next morning, about 8 o'clock, we were marched out under guard to breakfast in the convicts' eating-room, where we were invited to partake of a moderately good article of baker's bread, butter, two pieces of very fat and indifferent 'middling' meat, and then we were marched back to our cells. Again, about 3 o'clock, we were invited to the same repast in the *same manner.* Later in the afternoon we were permitted, by special request, to come out of our cells and mingle with each other, and promenade up and down the hall in front of our doors, for one hour. We were then ordered back into our respective apartments. This morning, as if our degradation and humiliation was not sufficiently complete, we were marched out of our cells to the public wash-room, our persons stripped and washed by a convict, and our heads shorn, and our beards taken entirely off! And this is the treatment General Morgan and his officers receive for the kind treatment they have hitherto shown Federal prisoners in their hands. I have invariably treated all prisoners that have fallen into my hands (and they have been many) like brothers—and this is the return made me! I want Colonel Hanson and his officers who surrendered to me at Lebanon, to know the return I am receiving at the hands of their Government. They have hitherto expressed great gratitude to me for my kindness to them on that occasion, as I have heard from various sources, and I wish to know if they really feel what they have expressed.

"General Morgan and his officers who came with him, reached here several days before we did, and received the same treatment we have, and continue to receive it. I must do General Morgan the justice to say—and I know him as well as any one, that he is the kindest and most indulgent man to prisoners in either army, of his rank. Numbers of Federal officers have so expressed themselves to me, and it is the truth.

"It is said, with what truth I can not tell, that we are held as hostages for Colonel Streight and his officers. If this be so, we have a right to expect that we shall be treated as kindly as they are, and no better. This is all we ask. We *know* that Colonel Streight and his officers have never received at the hands of the Confederate Government the treatment we are receiving at the hands of the Federal Government. But God has been pleased to give me fortitude to bear with resignation all these trials, and I have no favors to ask, and desire my friends to ask none for me, except that I be treated as other prisoners of war are treated among the Christian nations of the earth."

There was no justification or excuse for this treatment of General Morgan and his officers. It was without precedent in the annals of civilized warfare, worthy only of barbarians, and must forever remain a blot on the name of those who were responsible for it, and a disgrace to the government that permitted it. For what had these men done that they should receive such treatment? They were not "bushwhackers" or "guerrillas," though they had been often stigmatized as such, but *regular* Confederate soldiers, and had been recognized as such by the Federal Government, and as such were entitled to all the consideration due to regular soldiers engaged in civilized warfare.

The excuse made in justification of it—that Colonel Streight and his officers, who were captured by General Forrest in their raid through Georgia had been similarly treated, was a mere pretext, which the perpetrators knew at the time to be false. It was done, as was afterwards learned, by order of General Burnside, at the instance of the Governor of Ohio, who adopted this mode of venting his ire against General Morgan and his officers, for the crime they had committed in having the audacity to invade the sacred precincts of that State, and disturb the repose of its citizens,

who had hitherto escaped the horrors of war, and now steadfastly adhering to the doctrine of "States Rights," seriously objected to any interference in their domestic affairs.

Had these *gallant* gentlemen shown half the pluck and skill in pursuing these men before their capture that they did afterwards of spite and malice in persecuting them, it would not have been necessary to call in the assistance of the troops of other States to effect their capture.

It is due to the prison officers to state that they treated the prisoners with every kindness and consideration in their power, with the single exception of the Warden, Merion, who seemed to take a fiendish delight in torturing them in every conceivable way. General Duke thus aptly describes him: "Merion, the warden, would about realize the Northern idea of a Southern overseer. He was an obstinate man, and his cruelty was low, vulgar, and brutal, like his mind."

This fellow died shortly after the war. It must have required a considerable stretch of divine mercy to have spared him so long. Such was the detestation in which he was held by the prisoners, that it is safe to say, had he ever ventured south of the Ohio River, or crossed some of their paths, he would have taken an earlier departure. It is to be hoped he has passed to his reward.

Outrageous and unparalleled as was their treatment, and the feeling it produced of deep indignation in the breasts of the prisoners, there was a ludicrous side to it. Whilst some of the officers were being shaved who were so fortunate as to be the possessors of exceedingly fine beards, mustaches, and locks that even Samson might have envied, several of their comrades, who were less fortunate in this respect and disposed to make the most of the situation, sought, with an "affected gayety of manner," as General Duke expresses it, to poke fun at them. But these gentlemen, having every-

thing to lose by the operation and feeling keenly their loss, were not disposed to take this view of it; and wholly unable to agree, with Mr. Talleyrand, that language was given to conceal rather than express our thoughts, were not slow to make known their disapproval of it in strong and unmistakable terms. General Duke, who was among these unfortunates, and had little to lose by the operation, thus humorously describes it:

"Some young men lost beards and mustaches, on this occasion, which they had assiduously cultivated, with scanty returns, for years. Colonel Smith had a magnificent beard, sweeping down to his waist, patriarchal in all save color—it gave him a leonine aspect that might have awed even a barber. He was placed in a chair, and in less time, perhaps, than Absalom staid on his mule after his hair had brought him to grief, he was reduced to ordinary humanity. He felt his loss keenly. I ventured to compliment him on features which I had never seen till then, and he answered, with asperity, that it was no jesting matter."

Although rather matter-of-fact than given to levity, there was no one who had a keener relish for a good joke, or who could more thoroughly appreciate one, ordinarily—even when made at his own expense—than Colonel Smith, as all will testify who knew him well. But this was no ordinary occasion and he realized it to the fullest extent.

During their stay at this prison the officers passed their time in a variety of ways, such as their tastes and inclinations suggested and the rigor and discipline of the prison rules and regulations would permit. The confinement told severely on all who had been accustomed to an active life, and especially on those who were not as stout as their comrades. Among the latter class was Colonel Smith, who, though apparently robust, was not really so. He was in bad health when he

entered the army and owed his restoration to the active life of the service, and, now that he was deprived of it, was in danger of a relapse. It was his firm belief that, had he remained in this prison much longer, he would not have survived its hardships and barbarities.

It is hardly necessary to say the prisoners bore their misfortunes with becoming fortitude and resignation. For they were not of that stamp of men who could easily be "downed" even under the most arduous and trying circumstances, such as these were.

After remaining in the Ohio State Prison some four or five weeks, Colonel Smith was removed to Camp Chase under a "limited parole"—an alleviation of his condition which could only be appreciated by one who had suffered the horrors of the Ohio Bastile.

It is proper to state, in this connection, that when the paper granting him this parole was handed him, Colonel Smith declined to accept, for the reason, as he stated at the time, "I am not entitled to more favors than my fellow officers;" and it was not until he was urged to do so by some of them (who, while they fully appreciated the feeling that prompted him in refusing this offer, understood fully the necessity of some change in his case, and were not willing that he should thus sacrifice himself, by losing such an opportunity, out of mere consideration for them) that he was prevailed on to accept.

By the terms of this parole he was permitted to remain with his family (who had come to the city of Columbus for the purpose of seeing him), for three successive days during each week, and they were permitted to visit him at Camp Chase, on condition that during these visits he should not give any information he might receive that would be injurious to the United States.

During his visits to Columbus, besides seeing his family, he was entertained by some of the first citizens of the place and treated with every kindness and consideration. He learned, after this agreeable change, that it had been effected through the grateful intervention of Colonel Charles S. Hanson, who was only too glad to manifest this sense of his memory of Lebanon. As soon as he ascertained this, he wrote to Colonel Hanson the following letter of acknowledgment, which shows how profoundly grateful he felt to him for this kindness:

"COLUMBUS, OHIO, September 23, 1863.

"*Colonel Charles S. Hanson, Louisville, Ky:*

"DEAR SIR—You will pardon me for any seeming neglect in not acknowledging more promptly my deep obligation to you for your generous kindness in procuring for me the limited parole I am permitted to enjoy. This noble act on your part is all the more creditable to you from the fact that it was entirely voluntary.

"It is truly a compliment to our common humanity to witness, in these degenerate days, such exhibitions of enlightened philanthropy.

"Again do I thank you, my dear sir, for your kindness and consideration, and sincerely do I trust that you will never have occasion to regret what you have done.

"We truly live in the most eventful period in the history of Christian civilization, and are engaged, in my humble judgment, in a contest involving the most important principles that ever moved a great people. And it is our misfortune, in the exercise of those great inalienable rights with which God and nature has invested us, and which a common Constitution secured to us, to be thrown on opposite sides in this mighty struggle. Whilst this is the case, it is, notwithstanding, a source of unaffected pleasure and comfort to me to be able to say, with truth and candor, that I bear no malice toward any man for mere difference of opinion. An honest, true man I honor and respect, even in error, and God grant that I may never live to see the day when I shall feel otherwise.

"War is a terrible calamity under any state of ease, but an internal war is especially so. And it should be the high duty of every Christian gentleman to do all in his power to ameliorate its consequences. This, I am proud to say, has been my constant endeavor from the very moment I first entered the military service of my Government to the present time, and with the help of God I will so continue to the end.

"When I parted with you at Lebanon it was my purpose to have seen you again in a few moments, but I was unexpectedly called off on duty and had, consequently, no opportunity of doing so. Whatever of an unpleasant character occurred at Lebanon I deeply regret and deplore.

"My present situation is, perhaps, as pleasant as I could expect under the circumstances.

"I do not desire to impose on your kindness, but if you can, consistently with your views of propriety, have my parole extended so as to embrace the whole period of my prison life until exchanged, I shall feel *deeply grateful.* I should like also to have my area of freedom extended to the largest possible degree consistent with precedent, requiring me to report at stated periods to General McLane, at Cincinnati. This extension of my parole, I have reasons to believe, would be perfectly consistent with the views of commanding officers here and at Camp Chase.

"I would be pleased to hear from you at your earliest convenience.

"Wishing you health, happiness, and prosperity, I remain, very truly, your friend and obedient servant,

"D. HOWARD SMITH."

In consequence of the dissatisfaction caused in some quarters by the leniency thus shown a "rebel," and the distinguished consideration with which he was treated by some of the citizens of Columbus, in October following Colonel Smith was again taken to Johnson's Island. Whilst en route there his train, containing a number of prisoners, was thrown from

the track by a misplaced rail, supposed to have been the work of malicious persons, and one officer killed and several severely injured, but he escaped unhurt.

After remaining there for some time—until the 17th day of February, 1864—he was notified to accompany an officer to the military headquarters at Sandusky. On reporting there he was informed that he was on his parole of honor north of the Ohio River, to report within ten days to General B. F. Butler, at Fortress Monroe.

Under this parole he went to Cincinnati, and after spending several days at that place with his family, proceeded to Fortress Monroe and reported to General Butler as directed. On his arrival there he learned, to his great delight, that he had been privately exchanged for a Colonel Dulaney, of Governor Pierpont's staff. As soon as the necessary arrangements were made to carry this exchange into effect, he was sent by flag-of-truce boat to Richmond, Virginia, reaching that point March 6th following.

He was indebted, for this parole, to the further intercession of Colonel Hanson, who in the meantime had received his letter, written from Columbus, and, with the assistance of the Hon. Garret Davis, then United States Senator from Kentucky, was able to effect it.

For his exchange he was indebted, as he subsequently learned, to the intervention of the Hon. W. H. Wadsworth, of Maysville. They had been friends of long standing, were both members of the old Whig party, and had served together in the Kentucky Senate.

CHAPTER VI.

ESCAPE AND RETURN OF GENERAL MORGAN TO THE CONFEDERACY—ASSIGNED TO COMMAND OF DEPARTMENT OF SOUTHWESTERN VIRGINIA AND EAST TENNESSEE—REORGANIZATION OF HIS COMMAND—DEFEAT OF AVERILL—BATTLE OF CLOYD'S FARM—LAST RAID INTO KENTUCKY.

On his exchange and arrival at Richmond, Colonel Smith met General Morgan, who, previously to his exchange, had made his remarkable escape from the Ohio State Prison.

By order of the Confederate Secretary of War, General Morgan, on his arrival at Richmond, was immediately assigned to the command of the Department of Southwestern Virginia and a portion of East Tennessee, with headquarters at Abingdon, and directed to proceed at once to the reorganization of his command. He found the command much reduced, the greater portion of his old division being in northern prisons, and the remainder not well organized. He succeeded, however, in bringing together two small brigades, to the command of one whch Colonel Smith was assigned.

Nothing of importance transpired until early in May following, when information was received of the advance of the Federal Generals Crook and Averill, in heavy force—the former upon Wytheville, for the purpose of capturing the lead mines near there, and the latter upon Saltville, with designs against the salt-works, the capture of either of which would have been a great and irreparable loss to the Confederacy. Moreover, if the former succeeded in securing and maintaining possession of New River and vicinity, all communication with Richmond would be cut off, and General Lee thus prevented from receiving supplies from all that section west of there, upon which he depended largely for the support and subsistence of his army, to say nothing of other

damage that might be done by the enemy. It was, therefore, of the utmost importance that both these movements should be promptly met and repulsed.

General Morgan, fully realizing the danger of the situation, and impressed with the necessity of immediate action, proceeded at once with Giltner's brigade, and the battalions of Captains Kirkpatrick and Cassell, of his old division, under the command of Lieutenant Colonel Robert A. Alston, about six hundred strong, to oppose Averill—and sent Colonel Smith, with the dismounted men, about four hundred and fifty in number, to the support of General Albert S. Jenkins, then in command of the Confederate forces near Dublin Depot, on the main stem of the Virginia and Tennessee Railroad, who was being hard pressed by Crook, with a vastly superior force.

Learning, subsequently, that Averill had changed his track, and was now advancing on Wytheville, General Morgan anticipated him, by taking a shorter route and reaching that point first, several hours in advance of his command.

On his arrival at Wytheville, General Morgan found a small body of cavalry under Colonel George B. Crittenden, a brother of General Thos. L. Crittenden, of the Federal Army, who he ordered to occupy a small gap in the mountain, between Wytheville and Crocket's Cave, which was the nearest approach to the place, through which he knew the enemy would have to advance, or take a more circuitous route. Between 3 and 4 o'clock P. M., Colonel Crittenden was attacked by the enemy in full force. General Morgan at once came to his assistance, by passing around the mountain, and executing a flank movement upon the enemy's right, and threatening his rear. The Federals, as soon as they were apprised of this movement, fell back from before the gap, and took a strong position on a commanding ridge.

Colonels Alston's and Giltner's commands dismounting, and advancing rapidly up the ridge under a sharp fire, drove in the enemy's skirmishers, and soon dislodged him. Falling back some distance, the Federals again took position upon the farm of a Mr. Crocket, which they held for some time, obstinately contesting every inch of ground, but were finally dislodged from this position also, and forced to retreat with heavy loss.

General Morgan's loss in this engagement was about fifty in killed and wounded. He captured about one hundred prisoners and a large number of horses.

Before going into this fight, General Morgan found at Wytheville an old six-pound gun, which a number of patriotic citizens of the town had brought out to defend it on hearing of the Federal approach, and were attempting to handle, much to the amusement of some of his men. Having no artillery, General Morgan called this gun into requisition and placed it in charge of two experienced artillerists—Edgar Davis and Jerome Clark, of Captain Cantrill's company—and used it in the fight with telling effect.

As usual, the officers and men behaved with great gallantry in this engagement and were highly commended by General Morgan for their conduct.

This was a very important victory, for if the Federals had succeeded, as before stated, the Salt Works and Lead Mines would have fallen into their hands, which would have been a great loss to the Confederacy.

While General Morgan was thus opposing Averill, Colonel Smith, who had been sent to General Jenkins' support, was not idle. He left Saltville promptly, on the night of the 8th, for Dublin Depot, as ordered, but, owing to an accident to his train, did not reach that place until about 1 o'clock the next day. There he was met by Major Stringfellow, of Gen-

eral Breckinridge's staff, who informed him that General Jenkins and a number of his officers had been wounded—the former severely—and that his command was hard pressed by the enemy and needed assistance sorely. Relieving his men of their knapsacks, blankets, and other incumbrances, Colonel Smith immediately moved with great rapidity to General Jenkins' assistance. Shortly after leaving Dublin Depot he met the advance guard of General Jenkins in full retreat. He had been defeated and his command was panic-stricken and utterly demoralized. Colonel McCausland was in command—General Jenkins having been severely wounded—and was bringing up the rear, with a manful but hopeless effort to resist the further advance of the enemy. Colonel Smith reported to him at once for orders, and was directed to take position in a woods upon the left of the road and hold the enemy in check until such time as the retreating forces could be rallied and brought to his assistance.

Colonel Smith, in obedience to this order, formed his men in line of battle, in the woods to the left of the road, and had hardly assumed position before the Federal cavalry were upon him in full force. He permitted them to approach until within a short range, when he opened upon them a strong volley with telling effect, driving them back in the utmost confusion and pressing them closely for fully an hour. Finally, Crooks' entire command came up, when, finding that Colonel McCausland did not come to his assistance, as he had promised, and satisfied of the superior strength of the enemy in his front, he fell back slowly and in good order, and joined Colonel McCausland at New River Bridge, several miles beyond Dublin Depot.

In his official report of this engagement, Colonel Smith says:

"On the evening of the 8th inst. I received orders from

Brig. Gen. John H. Morgan to proceed with my entire command, numbering about seven hundred and fifty men, then at Saltville, in Smythe County, to Dublin, to re-enforce Brig. Gen. A. Jenkins, who was threatened by a large body of the enemy under General Crook, reported to be advancing on him. As soon as transportation could be furnished me for my troops, which was not until near 12 o'clock that night, I proceeded by rail in the direction of the point of my destination. But in consequence of the locomotive running off the track, and the insufficiency of the transportation furnished me, I did not reach Dublin until about 1 o'clock the next day, and with scarcely four hundred of my men, the residue being left at Glade Springs.

"When I reached Dublin I found you [Major Stringfellow, A. A. G.] waiting my arrival, and from you I learned that our forces, under Brig. Gen. A. Jenkins, had been engaged for several hours in quite a severe contest with the enemy, near 'Cloyd's Farm,' and the former were being quite hard pressed by the latter, especially on their extreme right, and that Gen. Jenkins had been severely wounded and compelled to leave the field, and Col. McCausland, the ranking officer, had assumed chief command. With as little delay as possible I formed my command and moved for the scene of action at quick time. I had proceeded, however, but a short distance before it became apparent that our forces under Col. McCausland had been thoroughly routed and many of them demoralized and straggling. My command, however (it is but just I should say of them), moved steadily forward through the heterogeneous mass that impeded their progress until they met the enemy, who were in close pursuit (with their cavalry) of our receding forces.

"As soon as I reached Col. McCausland, who was in the rear of his column, gallantly and spiritedly trying to rally his shattered command, I reported to him in person for orders. He directed me to form my men on the left of the road, in the timber, and resist the further advance of the enemy and cover his retreat, promising me such support as might be in his power.

"This order was promptly obeyed, and in a few moments I engaged the advancing column of the enemy, pouring a most destructive fire into him and driving him back some several hundred yards. I continued to engage him for more than one hour, driving him back at every point, until I found myself likely to be flanked by his overpowering numbers, who were rapidly and steadily closing in upon me, when I slowly and in good order fell back to Dublin, which I found had already been evacuated by the forces under Col. McCausland. From thence I proceeded to New River Bridge, under the guidance of a citizen, who informed me that Col. McCausland, with his forces, had gone there. I reached that point with my command a short time before sunset and crossed the river under orders and camped for the night.

"About 8 o'clock the next morning I was directed by the Colonel commanding to take one of my companies and place it along the bank of the river, above the bridge, to act as sharpshooters, to prevent the firing of the bridge by the enemy, and the remainder of my command I was to place in the rear of my sharpshooters, under the cover of a ridge, to act as skirmishers in an emergency. This disposition of my forces was speedily made. In a short time the enemy appeared in considerable force on the other side of the river, when an artillery duel followed, which lasted several hours, after which our forces fell back, under orders, to Christiansburg, and from thence to Roanoke County.

"In this last day's operations no portion of my command was *actively* engaged, except those deployed to act as sharpshooters, although the whole of them were constantly exposed to the shells of our guns, as well as those of the enemy, especially when they were ordered to fall back. For more than half a mile, on our retreat, we were in direct range and in plain view of the enemy's guns, who opened a terrific fire upon us, but strange to say there was but one man injured, and he only slightly, by the explosion of a shell.

"I feel that too much praise can not be bestowed upon the men who served under me on those two occasions, especially on the first-named day. I never saw men fight with

more coolness, spirit, and resolution. Indeed, it would have been difficult for men to act better than they did under the circumstances. Officers and men seemed to vie with each other in the enthusiastic discharge of their duties on this trying occasion.

"When all acted so well, it would seem almost invidious to mention any, but a stern sense of duty compels me to speak of the gallant and heroic conduct of Lieutenant Colonel Robert M. Martin and Captain William Campbell, commanding the First Battalion, and Major George R. Diamond and Captain J. G. Bedford, commanding the Second Battalion of my command. They were everywhere present, encouraging their men and almost reckless in the exposure of their persons and lives in the discharge of their duties. To Captain H. Rees, my Adjutant, and Captain O. O. West, acting on my staff as aid, I am also greatly indebted for their active and efficient services on the battle-field.

"My loss in the first day's operations was four killed, eighteen wounded, and thirty missing, and on the second day one killed and Capt. Bedford slightly wounded. Among those killed I regret to be compelled to mention Capt. C. S. Cleburne (brother of Major General Pat. Cleburne, of the Army of Tennessee), one of the most gallant and promising young officers in the Confederate service. He fell whilst leading his men in a charge on the enemy, mortally wounded, from which he afterwards died.

"It having been ascertained, on the morning of the 13th, that the enemy had retired in the direction of Salt Pond Mountain, permission was given me by the Colonel commanding to return with my command. I immediately took up the line of march and reached Saltville on the morning of the 18th inst."

By thus repulsing the enemy, and holding him in check until the defeated and demoralized forces under the immediate command of Colonel McCausland could successfully retreat, Colonel Smith saved the army of General Jenkins.

This was a most important affair, and too much credit can

not be accorded to him, and the brave men under him, for their conduct on that occasion.

General Duke, in his account of this engagement, says:

"The dismounted men who had been sent, under Colonel Smith, to re-enforce General Jenkins were engaged at the hotly-contested action at Dublin's Depot, and behaved in a manner which gained them high commendation.

"Colonel Smith reached Dublin about 10 o'clock A. M. on the 10th and learned that the forces under the command of General Jenkins were being hard pressed by the enemy, and that the gallant General was severely wounded.

"Colonel Smith immediately marched, with his command, about four hundred strong, toward the scene of action. After proceeding a short distance, he found the Confederate forces in full retreat and some disorder. He pressed on towards the front, through the retreating mass. Reporting to Colonel McCausland (who assumed command on the fall of General Jenkins and who was bravely struggling with a rear guard to check the enemy's pursuit), Colonel Smith was instructed to form his command in the woods upon the left of the road and endeavor to cover the retreat.

"This was promptly done, and in a few minutes Colonel Smith received the pursuing enemy with a heavy and unexpected volley. Driving back the foremost assailants, Colonel Smith advanced in turn and pressed his success for one hour. Then the entire hostile force coming up, he was forced to fall back, slowly and in good order to Dublin, which had already been evacuated by the troops of Colonel McCausland.

"Colonel Smith followed thence after Colonel McCausland to New River Bridge, crossing the river just before sunset, and encamping on the opposite bank.

"After some skirmishing, on the next morning the Confederates retreated, giving up the position. The fight on the 10th was a most gallant one—highly creditable to the commanding officer, subordinates, and men."*

* Duke's History of Morgan's Cavalry, 517.

Colonel Smith's loss in this engagement was four killed, eighteen wounded, and thirty missing. Among the killed was Captain C. S. Cleburne (brother of General Pat. Cleburne), a gallant and promising young officer, who, but a short time previously, had been promoted by General Morgan to a captaincy. He was buried by the roadside and some comrade placed at the head of his grave a memorial board, on which was inscribed, in neat lines, these words:

"This simple mound shall long attest
To every passer-by,
That, *dulce et decorum est*
Pro patria mori."

This engagement was known as the battle of Cloyd's Farm. The defeat and loss of General Jenkins (who subsequently died from the effects of his wounds) and other brave and valuable officers, and the destruction of property caused by this raid of Crook's, was considered the most disastrous in that quarter during the war.

In the latter part of May, General Morgan made his last raid into Kentucky. Though defeated in their efforts against Saltville and Wytheville, Generals Crook and Averill were still not far off, and only waiting for re-enforcements to make another advance. These re-enforcements, General Morgan learned, were expected from Kentucky, under Generals Burbridge and Hobson, the latter of whom, he had been informed, had left Mt. Sterling, on the 23d of May, for Louisa, on the Big Sandy River, with three thousand cavalry, where he expected to meet twenty-five hundred more, under the command of a Michigan Colonel, and with these combined forces to co-operate with Crook and Averill in a second movement against the Salt Works and Lead Mines in Southwestern Virginia.

General Morgan felt that he was able to successfully op-

pose any of these forces singly (though the force at his command was inferior in numbers to that of any of them), but he could not hope, with his small force, to defeat all combined. It was, therefore, very important to prevent, if possible, this juncture of the forces of Burbridge and Hobson with those of Crook and Averill.

This it was the principal object of this raid into Kentucky to do, by gaining Burbridge and Hobson's rear and compelling them to return and defend all that section of country they had left unprotected, except by a few provost guards, who were no match for General Morgan and his men. But this was not the only object of the raid. General Morgan wished to retrieve the misfortunes of the Indiana and Ohio raid; to recruit his decimated ranks with Kentuckians, whose services he valued above all others, experience and observation having taught him they made, as a general thing, the best soldiers to be found in either army; and to procure horses for his command, many of whom were dismounted because there were no horses to be had in the section where he then was.

Accordingly, in the latter part of May, as before stated, General Morgan began his movement into Kentucky.

His command consisted of three brigades, numbering about twenty-two hundred men in all. The First Brigade was commanded by Colonel H. S. Giltner, the Second Brigade by Colonel R. A. Alston, and the Third Brigade by Colonel Smith. Subsequently, however, on the 6th of June, Colonel Smith was transferred to the command of the Second Brigade and Lieutenant Colonel R. M. Martin was assigned to the command of the Third Brigade. The Second Brigade was composed of the mounted men of the old Morgan Division, and consisted of three battalions of the very best material—about six hundred strong—com-

manded, respectively, by Majors J. D. Kirkpatrick and J. T. Cassell, and Lieutenant Colonel James W. Bowles.

Colonel Smith referring to this transfer says:

"On the morning of the 6th day of June, having marched nearly two hundred miles in less than eight days over the roughest portion of Eastern Kentucky, I assumed command of the Second Brigade, in obedience to the orders from Division Headquarters. Although the General Commanding did me honor by transferring me to this new command, still I parted with my old command with sorrow and regret. I had been with those brave men until I had become deeply attached to them, and I am vain enough to think they were not without some respect and affection for me. I was, however, consoled by the reflection that they were turned over to most competent hands—to the command of the gallant Lieutenant Col. R. M. Martin, the officer next in rank to myself."

On the 2d of June, General Morgan approached Pound Gap, and learned it was occupied by the enemy in some force, whereupon he ordered Colonel Smith to move forward to the front, leaving the Second Brigade in the rear, and proceed directly and with as much expedition as the condition of his men would allow to the Gap, and drive out any force that might occupy it. In obedience to this order, Colonel Smith moved steadily forward to the point indicated, throwing forward a portion of Major James Q. Chenoweth's command of the First Brigade (which had reported to him for temporary duty) as an advance-guard, and as skirmishers on the right and left of the road on which he was advancing. He reached a point directly in view of the Gap a short time before sundown, and discovered that the enemy were in possession, but in what force it was impossible to determine. He immediately deployed his command, composed of two battalions, commanded by Lieutenant Colonel Robert M.

Martin and Major George R. Diamond, and ordered them to advance on the position occupied by the enemy. This order was obeyed with alacrity, and when within a short distance of the enemy's position, they were ordered to charge him, which was done with a yell, when he fled in confusion, leaving behind a number of horses, equipments, and a lot of forage, which fell into Colonel Smith's possession.

Thus was Pound Gap, the principal gateway into Kentucky from this portion of Virginia, taken without the loss of a man. From thence General Morgan pressed on to Mt. Sterling as rapidly as the nature of the country, which is mountainous, and the bad roads would permit. The march was a severe one both on the men (especially the dismounted men) and the horses, the former from the excessive fatigue of climbing steep mountains and crossing deep ravines, and the latter from fatigue and lack of forage. But these brave men (many of them almost shoeless, and their unprotected feet bleeding and sore from constant marching over rough roads) nothing daunted, bore it all uncomplainingly and with fortitude and heroism. We are accustomed to regard with most admiration the heroism of the battle-field. But here to my mind is a far greater heroism—that of patient suffering under the most trying circumstances, requiring all the strength of our physical and moral natures to stand up under them. Only those who have experienced this part of a soldier's life can have any just conception of what it is—what hardships and privations he is often called upon to endure.

Colonel Smith thus describes the hardships of this march, and the fortitude and heroism with which the men bore it:

"The morning of the 3d of June dawned upon us, finding every officer and soldier at his post, ready for duty, nothing daunted by the previous days' heavy marches and other labors. They moved forward with eagerness and the most

extraordinary zeal. I witnessed them from day to day, afterwards, move over mountain after mountain of the most difficult ascent, and down long, rough, meandering valleys, and wading streams at every few hundred yards without murmur or complaint, though many of them had not a shoe on their feet. I never before witnessed such unusual heroism. The conduct of this band of patriot heroes on this trying occasion excited my highest admiration and pride. Their conduct was not excelled by the veteran army of the first Napoleon, when they scaled the Alps, and descended to meet the legions of Southern Europe. I feel that there is no praise too great for them. It is one of the proudest reflections of my life that I was with them and shared their toils and sufferings on this memorable occasion. Their deeds should be recorded that they may be remembered and stand enshrined in the hearts of their countrymen and posterity."

Inside of seven days the command marched over one hundred and fifty miles. This was wonderful marching in consideration of the nature of the country, and the fact that many of the men were dismounted, and had to march on foot.

On the 7th of June, General Morgan approaching near Mt. Sterling, and finding that he had succeeded in anticipating General Burbridge, and that it would not be necessary to employ his whole force to take the town, sent Captain Bart W. Jenkins with a company of men to destroy the bridges on the Louisville, Lexington and Frankfort Railroad, to prevent the arrival of re-enforcements at Lexington from Louisville. He also sent Major J. Q. Chenoweth with a company to tear up the track and burn the bridges on the Kentucky Central Railroad, to prevent the arrival of troops from Cincinnati. Captain Pete Everitt was also dispatched with one hundred men to capture Maysville. After accomplishing their respective tasks, these officers were to report to General Morgan at Lexington within three or four days.

It is due to these gallant officers to state that they did their work well and promptly.

Early on the morning of the 8th, the command reached Mt. Sterling, and finding the place occupied by a force of Federals, several hundred strong, General Morgan made preparations for an immediate attack. Portions of the brigades of Colonels Smith and Giltner were put forward, and attacking the enemy with great spirit, soon forced him to surrender, taking about four hundred prisoners, a vast quantity of stores, and a number of horses and wagons.

Among the prisoners was Captain E. C. Barlow, of Georgetown, an old acquaintance and friend of Colonel Smith. The gallant Captain was one of those "innocents" who had been lead to believe that General Morgan and his men were a "regular set of cut-throats," and expected to be shot on the spot. Learning that his old friend was among these "cut-throats," he requested (as a last hope) to be brought to him immediately, and upon that gentleman assuring him that he would not only not be executed, but would actually be paroled and permitted to go home, he was one of the happiest men imaginable.

Colonel Smith, in his report of this engagement, says:

"Halting for an hour or so in the afternoon near McCormick's, in the county of Bath, for our horses to rest and graze, and our men to partake of their scant rations, we proceeded to Mt. Sterling, marching at night, and reaching that place at the dawn of day on the morning of the 8th. Here the enemy was found in some force, and were promptly attacked by the First Brigade under Colonel Giltner—that brigade being in the advance on that morning, who were quickly supported by the Second Brigade under my command. As soon as the firing was heard in my front, I moved up at a gallop, and on reaching the immediate vicinity of the enemy, the General Commanding directed me to form my command in a ravine

near by, and to the left of the enemy's camp, for the protection of my horses, dismount and move to the support of Giltner on his right, who was then engaging the enemy as before stated. Before, however, this order could be executed, and while the men were forming in line preparatory to dismounting, I received another order from the General revoking the first, and directing me to charge the town with the Second and First Battalions, mounted, under the command, respectively, of Major Cassell and Lieutenant Colonel Bowles, these two Battalions occupying the position in the order in which they are named in the column as it moved, and to leave the Third Battalion, under Captain Kirkpatrick, as a support to Colonel Giltner. This last order was executed with as much promptness and celerity as the nature of the ground and the obstructions would admit. These two Battalions charged into town with great gallantry, and captured a number of prisoners, without loss. I was personally present with them, and bear cheerful testimony to the good conduct of officers and privates.

"It is but just that I should state in this connection to the credit of a highly meritorious and gallant officer, Captain J. D. Kirkpatrick, that whilst I was attempting to have the first order sent to me executed, a request was delivered to me from him by Captain J. E. Cantrill (who likewise joined in the same request) to permit him to charge, mounted, with his Battalion the enemy, then hotly engaged with Colonel Giltner's command. I returned word to that officer that I was acting under orders of the General Commanding, and could not therefore do so, otherwise it would afford me pleasure to gratify his wishes."

On the day before reaching Mt. Sterling, General Morgan had sent Captain J. Lawrence Jones, who was in command of the advance guard, with his men to guard the road between Mt. Sterling and Lexington, and Captain Jackson, with a company, to guard the road between Mt. Sterling and Paris, with instructions to those officers to prevent any communications between these points and Mt. Sterling.

Leaving Colonel Giltner, with his brigade, and the brigade of Colonel Martin, at Mt. Sterling, to destroy the Government stores taken, and remount the dismounted men on the captured horses, General Morgan pushed on to Winchester, and from thence to Lexington, with the Second Brigade, under the command of Colonel Smith.

About 3 o'clock next morning General Burbridge, who had come from the extreme eastern portion of the State by forced marches—moving with great rapidity—reached Mt. Sterling with a large force, and surprising Colonel Martin's command, which was encamped on the east side of the town, threw them into the utmost confusion, killing and wounding a number before they could rise from their blankets and defend themselves. Colonel Martin had ordered Lieutenant Colonel Brent to picket the road on which the enemy came a *mile out*, but for some reason that officer had failed to do so, and the enemy were upon them before they knew it. Colonel Martin, whose headquarters were at a house near by, hearing the firing, arose from his bed to find himself completely surrounded by the enemy. Cutting his way through them alone, with his usual dash and reckless daring, he soon rejoined his men, and rallying them, succeeded in repulsing the enemy with severe loss. He then fell back, and forcing his way through Mt. Sterling, which had been occupied by the enemy, joined Colonel Giltner at a point about two miles on the other side of the town. They returned and attacked the Federals vigorously—Giltner in their front and Martin in their rear—but the latter's ammunition being soon exhausted, they were forced to retire. The enemy having been badly crippled, and doubtless thinking that Colonels Martin and Giltner had received re-enforcements by returning to the attack, did not offer to pursue.

Colonel Martin's loss in this engagement was heavy, forty

privates and fourteen commissioned officers being killed and a number wounded and taken prisoners. He was wounded twice.

At about 3 o'clock on the morning of the 10th of June, General Morgan arrived at Lexington and took possession of the place, after a slight skirmish with the enemy, by the advance guard, under Captain J. Lawrence Jones, and Captain Thomas Quirk's company, of Cassell's Battalion, capturing a number of horses and destroying the Government depot and stables. Here Colonel Smith learned that his son, D. Howard Smith, Jr., was lying dangerously ill at Georgetown. He accordingly obtained permission from General Morgan and proceeded at once to that place, with Captain Cantrill's company as escort. From Lexington, General Morgan designed moving on Frankfort and taking that place, but subsequently changed his plans, sending Captain Cooper, with a company of men, to make a feint against the place, and rejoining Colonel Smith, with the remainder of the command, on the morning of the 10th, at Georgetown.

Captain Cooper proceeded to Frankfort, as directed, and after accomplishing his mission, by driving a superior force of the enemy into the fortifications and alarming the town, rejoined the command.

Remaining at Georgetown long enough to rest the men and horses, General Morgan moved on to Cynthiana, reaching that place on the morning of the 11th of June.

Before his arrival, however, he ascertained that the enemy were in possession of the town in considerable force, and determined to attack him. For this purpose Colonel Smith was ordered forward with his brigade, preceded by the advance guard, under Captain J. Lawrence Jones, followed by Colonel Giltner (who was in Colonel Smith's rear, moving up the Leesburg Turnpike in the same general direction), and attack-

ing the enemy with vigor, after a sharp engagement compelled him to surrender, capturing between five and six hundred prisoners and a large quantity of stores.

In his official report of this engagement, Colonel Smith says:

"I was directed to move into town by way of a dirt road leading from the Leesburg Turnpike across Licking River, about three miles above Cynthiana, in the direction of Lair's Mill, preceded by the advance guard, under Captain J. Lawrence Jones, Colonel Giltner (who was in my rear) moving directly up the turnpike in the same general direction. When within less than two miles from the town, the advance guard came on the outer pickets of the enemy and ran them in, capturing the base and all there. We then moved up rapidly to within sight of town, when it was discovered the enemy were in some force in our front. I immediately ordered the First and Third Battalions to dismount, to fight and move on the enemy, which was quickly obeyed. The Second Battalion, which had been marching in the rear of the column, came up, and I ordered it to dismount and move to my extreme right and attack the enemy on his left flank. This order was also quickly obeyed. Very soon my whole command was warmly engaged with the enemy. He was, however, speedily driven back into the houses near the old railroad depot, from which position we could not dislodge him (having no artillery) without setting fire to houses in the vicinity, which resulted, I am sorry to say, in burning a large portion of the town. In less than two hours from the time we commenced the attack, the whole force of the enemy, consisting of some five or six hundred officers and privates, made an unconditional surrender of themselves and their valuable stores. My loss in killed and wounded was inconsiderable, whilst that of the enemy was comparatively large.

"Among the killed on his side was the notorious Captain George W. Berry and Colonel Garris, of Cincinnati.*

*Colonel Garris was thought to be mortally wounded, but subsequently recovered.

"Thus ended the fight on the 11th day of June, so far as my command was concerned."

While Colonel Smith was thus engaging the enemy in the town, General Hobson approached with about twelve hundred men. Colonel Giltner attacking him in front, and General Morgan coming upon his rear with Cassell's Battalion (which had been sent by Colonel Smith, under orders from General Morgan to re-enforce Giltner), compelled him to surrender.

At this time General Morgan had at his command only about twelve hundred men, the remainder being absent on special duty and detailed to guard prisoners. This was a splendid victory, the enemy being defeated with severe loss to him and slight loss to the command, and between seventeen and eighteen hundred prisoners taken altogether—more than General Morgan had men at command at the time—together with a vast quantity of valuable stores.

General Morgan never displayed greater generalship than on this occasion, not only in the skillful manner in which he captured Hobson with a superior force, but in the general disposition of his forces. He was ably seconded by Colonel Giltner, to whom much credit is due. Great credit is also due Colonel Smith for the gallant and successful fight he made in the town, the enemy having every advantage, both in numbers and position, seeking shelter in the houses and firing from the windows on his men as they charged up the streets. The officers and men generally behaved with great gallantry, recklessly exposing their persons and driving the enemy from house to house until he was compelled to yield.

Remaining over night at Cynthiana, General Morgan, with his small force, was attacked by General Burbridge, with over five thousand infantry, cavalry, and artillery, and, after a des-

perate struggle, defeated, with severe loss, and compelled to retire precipitately.

Colonel Giltner, who was stationed on the Paris Pike, was first attacked, the enemy approaching from that direction. Being almost entirely out of ammunition, he fell back; but Colonel Smith coming to his support with the Second Brigade, they made a stand and drove the Federals back with severe loss. The Federals receiving a heavy re-enforcement, the main body having by this time arrived, Colonels Smith and Giltner were in turn driven back.

General Duke, in his account of this engagement, says:

"Colonel Smith, at first, doubtful of the condition of affairs, did not immediately take part in the fight. His gallant and efficient adjutant, Lieutenant Arthur Andrews, rode to the scene of the fight, and returning, declared that Colonel Giltner required his prompt support."*

This statement is not correct, and does Colonel Smith great injustice, by leaving the impression that Lieutenant Andrews acted of his own accord, and not on the orders of Colonel Smith, whilst the facts are to the reverse, as shown by Colonel Smith's official report of this engagement:

He says:

"Later in the day reports reached us that the enemy were moving on us from the direction of Leesburg. I was accordingly ordered out to meet him with the First and Third Battalions, the Second Battalion being on detached service. I moved out on that road some four or five miles and remained until sometime in the afternoon, when it was ascertained that the report of his advance from that direction was false. This fact being made known to the General Commanding, I was directed to fall back to Cynthiana for further orders. When I reached town, I was ordered to take my

* Duke's History of Morgan's Cavalry, 527.

brigade (then greatly reduced, by detaching the Second Battalion on special service, and by heavy details from the other two for pickets and scouts) and move out on the Ruddle's Mill Road to its junction with the Lair's Mill Road, and hold those two roads until further orders. I accordingly moved out to the point designated (being only about one mile from town), and formed my men in line of battle, where they remained on their arms all night, and throwing out at the same time pickets on both of the roads in front of me.

"About 3 o'clock next morning, the 12th of June, my pickets on the Ruddle's Mill Road informed me that they had been fired on, which fact was speedily reported to Division Headquarters. In less than an hour thereafter considerable firing was heard to the front and extreme left of me, in the direction of the turnpike road leading to Millersburg, which gradually increased until it became apparent that a regular engagement was going on. My orders being to hold the position I then occupied, and getting no orders to move from it (doubtless through the mistake of couriers), I hesitated for sometime as to what my duty was. Whilst in this state of suspense, however, my A. A. A. General, the gallant Lieutenant Andrews, in obedience to orders, dashed over to the point where the firing was going on, to obtain information for me, and speedily reported back that the First Brigade, under Colonel Giltner, was warmly engaged with the enemy, that his ammunition was growing short, and that he needed support. I promptly, and without further hesitation, moved my brigade at quick time to his support, resting the right of my line on the Ruddle's Mill Road, to hold that road from any flank movement of the enemy, who I knew occupied it in my front, and directing the Third Battalion to oblique to the left and connect, if possible, with the right of Colonel Giltner's line. But the distance was so great between the Ruddle's Mill Road (which I was compelled to hold to protect myself), and the point at which Colonel Giltner's right rested, that it was impossible for me to make the desired connection. The consequence was that a gap existed between the two brigades, greatly to the disadvantage of both.

"My brigade, gallantly led by its officers, attacked the enemy with great spirit and energy, driving him back the whole length of my line for a considerable distance. The First Battalion moved with more rapidity than the Third Battalion, in consequence, doubtless, of the better nature of the ground over which it passed, until it swung around almost at right angles with the line formed by the Third Battalion. In order, if possible, to remedy this apparent defect in my line of battle, I galloped up on my extreme right to see Lieutenant Colonel Bowles, but before I could have my order obeyed, to halt, and dress on the left, the enemy had massed a heavy force in his front, and they were fighting with great desperation. Bowles was finally driven back by overpowering numbers. I then directed him to reform his command behind a stone fence on the Ruddle's Mill Road, which was promptly obeyed, and the enemy moving up, was speedily checked, with heavy loss. Just at this stage of the fight, I looked for Captain Kirkpatrick, who had been gallantly holding his line with his usual energy and determination. I found that his line had been separated, two companies—one under command of Captain Cantrill, and the other under command of Lieutenant Gardner—had been fighting desperately on his left, while the other two were on the right, and attached to the First Battalion. I found also that Captain Kirkpatrick had been severely wounded, and compelled to quit the field, and that Captain Cantrill had assumed command, and was falling back (his ammunition being almost exhausted), followed by a superior force of the enemy. About the same time, the gallant Lieutenant Colonel Bowles had been driven back from his second position, strong as it was, by overpowering numbers. I received no orders to fall back, consequently issued none—being determined to hold my position as long as it was possible for me to do so. Seeing, however, that further resistance was useless, and after having been twice driven back by force of numbers, I ordered my men to rally to their horses. The enemy's cavalry were very soon pursuing, and in close proximity to us, but, strange to say, they did but little damage, only capturing those too much fatigued to reach their horses, then not far off."

After this engagement Colonel Smith fell back to Cynthiana and endeavored to join General Morgan on the Augusta Road, who had in the meantime ordered a retreat on that road. Before he could do so, however, the Federals appeared on three sides of him at once, in heavy force, and on the other side was the Licking River. At this point the men, taking in the danger of the situation, became unmanageable, and dashed across the river in the utmost confusion. Here they were again confronted by a large body of the enemy's cavalry, which had been thrown across the bridge and was moving down the Colemansville Road in their immediate front. Reforming his line as rapidly as possible, Colonel Smith ordered his men to charge them, which was done, driving the enemy back and holding him in check until he could successfully retreat and effect his escape with most of the men. This was accomplished by their dividing and going off in squads.

Colonel Smith made a narrow escape. When the retreat across the river began, his horse, in the confusion, leaped down a steep embankment into the river, taking him almost entirely under and drenching him thoroughly. As he arose the enemy poured a volley from behind, several balls striking the water unpleasantly near to him.

In the meantime Colonel Giltner was cut off and compelled to retire on the Leesburg Road. General Morgan, who was on the Augusta Road, collected the retreating forces, paroled his prisoners, and fell back rapidly to Flemingsburg and West Liberty, and from thence passed over the mountains to Abingdon, Virginia, reaching that place on June 20th.

Whilst General Morgan lost heavily in the last day's fight at Cynthiana, and it ended most disastrously to his command, he had accomplished the principal object of the raid in divert-

ing the forces under Burbridge and Hobson and thus saving Southwestern Virginia from invasion.

Had he left Cynthiana after his splendid victory on the 11th, the terrible disaster which occurred on the following day would have been averted and the raid have been a complete success. This was a fatal mistake, which he afterwards fully realized.

The men, in the meantime, had become greatly demoralized, in consequence of the victory of the day before, and were in no condition to meet the vastly superior force of the enemy. Moreover, Colonel Giltner's ammunition gave out early in the action, and Colonel Smith had but a few rounds left. In consideration of these circumstances, and the small force at his command to oppose the great odds of the enemy, it is no matter of surprise that General Morgan was defeated, but it is rather to be wondered at that the entire command was not captured. Had General Burbridge understood the situation, and pressed his victory more vigorously, such would undoubtedly have been the result.

Only superior generalship could avail under such circumstances, and General Morgan displayed it in the manner in which he succeeded in collecting his demoralized and scattered forces and conducting safely his retreat.

Some gross and inexcusable excesses were committed on this raid. We would gladly pass this part of the subject if the truthfulness and completeness of the record and justice to some of the parties concerned would permit. It is true, in most instances, these excesses were committed by men who, until this raid, had not belonged to the command, but it had to bear all the odium.

The principal of these was the robbery of the bank at Mt. Sterling—a most outrageous and disgraceful act, which called for the severest punishment on the perpetrators. This was a

source of deep regret and mortification to many of the officers and men of the command, especially those who were from that section of country where these excesses were committed, or who had friends there, some of whom were the sufferers. They felt highly and justly incensed and outraged that the fair name of the command should thus be tarnished and their own reputations placed in jeopardy by the foul deeds of a few bad, unscrupulous men, whom it was the misfortune of the command to have along on that raid, and resolved that, so far as they could effect it, the offenders should receive that punishment their acts so richly deserved. Among this number was Colonel Smith, who requested an immediate investigation and denounced these acts in such strong and unqualified terms as to incur the displeasure and enmity, not only of the perpetrators, but of those who either winked at or sought, through a mistaken zeal, to shield them. On his return to Virginia he received letters from friends in Kentucky, telling him of the *bitter feeling against the command* on account of these excesses, and that *imputations* had been made *against him*, from the fact of his having been in command of a portion of the forces that captured Mt. Sterling, and urging upon him the necessity of having an *immediate and thorough investigation made*, to vindicate his own character as well as that of the command, and to prevent a recurrence of these outrages, which had "injured the *cause*" there, and if that could not be effected, to resign his position and seek some other field.

But, whilst Colonel Smith condemned and deplored these excesses, and was ready to do all in his power to secure, if possible, a restitution of the stolen property and bring the guilty parties to justice, he was not in a position to order an investigation—being only a subordinate in the department to which he belonged—and it would have been a great mistake

for him to have resigned his position in the command at that time, had he desired it, because of any failure on the part of those who had the power, and whose duty it was to make an investigation. This he fully realized, and did all he could properly do under the circumstances, viz.: request of General Morgan an investigation into these excesses, and wait patiently and confidently until either he should make or order it to be made, or some higher authority should do so, then to render such assistance as he could in obtaining a conviction of the offenders.

It is due to General Morgan to state that as soon as he had the opportunity, he ordered an investigation to be made, for the purpose of ascertaining and punishing the guilty parties. This investigation was made, but nothing was accomplished, although there were proofs at hand sufficient to convict the accused. This afforded an opportunity to General Morgan's enemies to malign his character, by charging that he was seeking to shield the offenders. But no one who knew him well, and capable of doing him justice, has, or will ever believe, that in ordering that investigation to be made, he was influenced by any other than the best of motives. If, instead of pressing that investigation as he might, and ought to have done in justice to himself as well as to others, he endeavored to adjust the matter quietly, it was simply an error of judgment—the promptings of a generous heart, which, in this instance, controlled the head—one of those mistakes the best of men will sometimes make.

An investigation was finally made, by order of President Davis. It is sufficient to say here that, by this investigation, Colonel Smith was cleared of all imputations—no charges having ever been made against him. Unfortunately, General Morgan died, before he had an opportunity to vindicate his character.

Subsequently to the war, when Colonel Smith was elected by the people of Kentucky, Auditor of Public Accounts, and it became necessary to have his political disabilities removed, to enable him to qualify, a malicious and vindictive fellow by the name of McKee, who then represented (or rather, I should say, misrepresented) the Mt. Sterling district in the Congress of the United States, endeavored to prevent it, by the revival of a previous intimation against him of complicity in the Mt. Sterling Bank robbery, and for that purpose wrote the following letter to the Honorable George S. Boutwell, chairman of the Congressional committee to which the matter was referred:

"HOUSE OF REPRESENTATIVES, February 5, 1869.

"DEAR SIR—I learn that D. Howard Smith, J. W. Schooling, Phil. Lee, and perhaps others, are in the bill in preparation by your committee for relief of disabilities. D. Howard Smith was one of John Morgan's chiefs, and in my own district, in 1862, had burned every house in Carter County for fifteen miles on a single road, as a wanton act of barbarism. In 1864, the same band, he with them, broke open and robbed a bank in my town of $90,000—not a Government or National bank, in which the Government had no interest. He was elected Auditor of State as a reward for his services in the rebellion, and has defied, and to-day defies, our laws and Constitution by holding on to his office, knowing his disqualification, and is as much opposed to the National authority in Kentucky as he ever was. * * * * I trust the committee will not report on any other names of men who defy our laws. Let them alone until they do justice to our people; it will then be time for us to show mercy to them. Yours, very respectfully,

"SAMUEL MCKEE.

"HON. GEORGE S. BOUTWELL."*

* Washington Globe, 1869.

It will be observed that while it was not charged in letter that Colonel Smith took part in this bank robbery, the writer sought to hold him partly responsible for it. Intimations of a similar kind had been previously made in a Republican newspaper published at Lexington, and Colonel Smith obtained evidence so overwhelming against its truth, that it was promptly retracted. This, McKee knew, living at the time in an adjoining district, and not far from where this paper was published. But it made no difference to him, if, by an appeal to sectional feelings, he could make the committee (a majority of whom were Republicans) believe this base imputation against the character of a good man, and thus accomplish his purpose.

The matter having come before a new tribunal, not cognizant of the facts, and most likely to be influenced by the slightest evidence derogatory to his character, owing to the then bitter feelings and prejudices engendered by the war, it became necessary for Colonel Smith to seek a second vindication from these vindictive and unjust aspersions. This he did, by procuring, among other evidences, the following letters from General Morgan's Assistant Adjutant General, Captain C. A. Withers, and the commander of the Federal forces at Mt. Sterling at the time of its capture and the alleged bank robbery, Captain E. C. Barlow, and the cashier of the bank robbed, Mr. William Mitchell:

"COVINGTON, KY., July 6, 1865.

"DEAR COLONEL—I have just returned from the country, and find your favor of the 30th *ultimo* awaiting me.

"I am much surprised to learn that any one should dare to assail your character in regard to that bank affair, or in fact in any manner, knowing your ability to produce, even from our former enemies in arms, such abundant testimony of a character so abundant in all gentlemanly qualities.

"It affords me great pleasure, as the late Assistant Adjutant General of General John H. Morgan's command, in refuting the malice of the petty schemer. I can state, though no longer officially, that I was present with you at headquarters, at Mt. Sterling, on or about the 8th day of June, 1864, and learned from you of the robbery of the bank at that place. I heard you denounce the act as base and unbecoming a Confederate soldier, and request that an investigation should be immediately had, and, if possible, to find and restore the money taken to the respective owners and have the offenders punished. Afterwards, in Virginia, and while you were in command of the division of cavalry, my intercourse with you, as Assistant Adjutant General, was almost constant. I assert positively that no one was more urgent in their demands for the arrest and punishment of those who had cast so vile a blot upon the fair fame of our command by taking the money of an unarmed and defenseless people.

"Your action in this matter was the cause of your becoming unpopular with many of those who sustained the robbers, and I firmly believe that it was through your instrumentality that those who have since been convicted were brought to punishment.

"Let those opposed to you remember that while the bank was being robbed you were at headquarters, exerting yourself for one of their number, Captain —— (I have forgotten his name), and succeeded in having him released.

"Feeling that those who would injure your character as a soldier and gentleman are powerless,

"I remain truly yours, C. A. WITHERS."

"GEORGETOWN, KY., July 3, 1865.

"*Colonel D. H. Smith*:

"DEAR SIR—I received your letter of the 30th of June, in which you inform me of your hearing of some malicious, unprincipled individual or individuals attempting to connect your name with the robbery of the branch of the Farmers' Bank at Mt. Sterling, Kentucky, on the 8th of June, 1864. The said rumor or report I had not heard of only through

your letter; but in justification of yourself I can state that, while I was defending the town of Mt. Sterling, on June the 8th, 1864, I was captured by General J. H. Morgan's forces about 10 o'clock in the morning. I requested to be carried before yourself. I remained with you until 4 o'clock P. M. of the same date, during which time you carried me before General Morgan. There, in my presence, you stated to General Morgan that the bank had been robbed and requested an investigation of the matter. General Morgan remarked that he had just heard of it; had not time then to attend to it, but would.

"I am confident that you knew nothing of the robbery until after it had been committed and then did all in your power to have it adjusted.

"I am, Colonel, very respectfully, your obedient servant,

"E. C. BARLOW,

"Late Captain Company B, Fortieth Kentucky Volunteers."

"OFFICE FARMERS' BANK OF KENTUCKY,

"MT. STERLING, July 5, 1865.

"*D. Howard Smith:*

"DEAR SIR—I have been shown a letter from you to Dr. M. Q. Ashby, in which you state that certain parties have charged that you were concerned in the robbery of this office in June last year, at the time of the Morgan raid, and requesting that I should make a statement of the facts in the case.

"I would with pleasure state that I saw you after the robbery was committed, and that you condemned the act in unmistakable language, and that you told me you were not in chief command, but would do what you could to have the money returned, or something to that effect. So far as the division of the funds * * * * is concerned, we have positive proof of the fact that the thing was done, but we have never had the least suspicion that you were one of the party. I am happy to state and believe that there were others among the command that would have disdained to have touched a dollar of the money obtained under such circumstances.

"Very respectfully,

"WILLIAM MITCHELL, *Cashier.*"

It is sufficient to state that on this testimony and the petitions of such men as Generals Hobson, Finnell, Green Clay Smith, and Colonels Marc Mundy, John Mason Brown, D. W. Lindsey, and other ex-Federal officers well known in Kentucky, and such distinguished civilians as the Hon. James Speed, Esq., Attorney General of the United States; Hon. Allen G. Burton, ex-United States Minister to Central America, and Hon. Robert Rodes and other Republicans, equally well known, the Congress of the United States granted a removal of Colonel Smith's disabilities. A more complete and satisfactory vindication than this could not be had. It was more than that—it was a most flattering testimonial to the character of the man that he should thus have the support of his political opponents and those who had but recently opposed him in arms, at a time when party and sectional feeling ran high.

CHAPTER VII.

DEATH OF GENERAL MORGAN—COLONEL SMITH GOES TO KENTUCKY UNDER A FLAG OF TRUCE — END OF HIS MILITARY CAREER.

That last raid into Kentucky was the death blow to the command. The men were so scattered and demoralized on the return, that it was sometime before General Morgan could get them together and effect a re-organization. Besides the defeat at Cynthiana, which was so disastrous to the command, there were the dissentions and resulting demoralizations growing out of the excesses committed on that raid, and the investigation that followed, already referred to. These unfortunate troubles, involving, not only the reputation of the command, but the character of the General himself, added to the difficulty of the situation, and rendered it exceedingly embarrassing to him. Notwithstanding his utmost efforts, he found it impossible to restore the *morale* and efficiency of the command.

Many of the men never returned—some went to other commands, and some to "guerrillaing." In a word, the command had lost its prestige, and all that General Morgan and his able lieutenants and the remaining faithful few of the old division could do could not restore it. This was a deplorable condition of affairs, and foreshadowed the result soon to follow. No one realized this more fully than did General Morgan. It is said by those who were about him at this time, that his face wore a haggard and careworn look, and that he seemed to have lost all of his former enthusiasm. But he did not despair, though the hour was dark, and fraught with disaster. His was one of those great natures not born to yield to difficulties that stagger meaner spirits. What sus-

tained him in such an hour we shall never know. Doubtless some faint ray of hope burst upon the horizon of his vision, like the crepuscular light of early morn—the advance-guard of the sun, dispelling the gloom of night, and betokening the approach of the glorious day. But this we do know, summoning all the remaining strength of his great nature, he made one more final effort. If he was unsuccessful in this, it was his misfortune, not his fault. He could control men and lead them to victory, as he had often done. But now he had a greater foe to contend with—*circumstances*, which held him in their iron grip, and refused to release him until death, *so-called*, man's supposed enemy but real friend, came to the rescue, and breaking asunder the bonds set him free. Cruel as was the act, and the fiends in flesh that executed it, it was mercy in disguise. These fiends could kill the body, and after its death mangle the prostrate form, but there was in that body that which murderous hands could not touch—this mercy claimed.

General Morgan was not the only one who has thus been bound—their "name is legion." A greater than he—before whose eagles Italy, Austria, Prussia, and Russia bowed, and England trembled, died a prisoner upon the lone rock at St. Helena, the victim of the latter's cruelty. So have many others thus been bound, who, though their voices have not been heard above the din of life's battle, are none the less heroes and heroines. Indeed, these are oftenest found in the quiet walks of life.

On or about the 29th of August, General Morgan left Abingdon for Jonesboro, and made preparations for an immediate attack on Bull's Gap, which was then occupied by the Federals, the Confederates having been driven back from that point and Rogersville to Jonesboro. His idea was that, by taking that position, he could cut off the force at Rogers-

ville, and either capture it, or compel the enemy to retire into Kentucky, which would so reduce their strength in East Tennessee, as would give the Confederates possession of all that section as far south as Knoxville for some time at least.

General Morgan's entire force at this time was less than eleven hundred men, and consisted of the remnants of his old brigade proper, commanded by Colonel Smith, Colonel Giltner's command (called brigade), and detachment of General Vaughan's East Tennessee Brigade, under the command of Colonel W. E. Bradford, of the thirty-first Tennessee Cavalry.

On the 3d of September, 1864, between 3 and 4 o'clock P. M., General Morgan arrived at Greenville with his command, and encamped for the night, making his headquarters at the house of a Mrs. Williams. Immediately on his arrival, he directed his Assistant Adjutant General, Captain C. A. Withers, to deliver to the several commanders his orders for the disposition of their respective commands for the night.

Captain Withers, in a letter to Colonel Smith, referring to these dispositions and the subsequent orders issued by General Morgan that night, says:

"I urged General Morgan to put your brigade in the front, on the Nolichucke River Road, leading to Bull's Gap, but he said he wanted you and Colonel Giltner to lead the attack the next morning, and would therefore let Bradford watch *the front* in order to keep your men fresh. The positions were then assigned: Bradford on the left, to picket from the river to Colonel Giltner's left (who was in the center), and the latter to picket to your left, and you on the extreme right to picket your front, the whole line forming two-thirds of a circle around Greenville, towards the enemy, and about one mile and a half from town.

"Colonel Bradford was given verbal and written orders to select fifty of his best-mounted men and send them out until

they struck the enemy's videttes—not to attack, but simply watch any movements at the Gap until the command should arrive the next morning. Copies of this order were sent to you and Colonel Giltner, with instructions to be ready to move at daylight. At 11 o'clock that night the General requested Major Gassett, Captain Harry Clay, and Captain James Rogers to ride out to the lines and see that all was right. They reported at 12 o'clock that all was well, and the General retired. After instructing the headquarter sentinel to wake me at daylight, I also went to bed. I was awakened as ordered, and went to the General's room and awakened him. He remarked: 'It is raining, is it not?' and upon my answering in the affirmative, he instructed me to countermand the order to move at daylight, and said: 'Let the boys have time to get their guns dry; better say 7 o'clock.' I waked up my clerk, L. T. Johnson, and he wrote the orders, which were sent to each of you (yourself, Colonels Giltner and Bradford), and I waited until I had received your receipts and returned to bed. This was the order that cost the General his life, and I have often discussed it with the courier who bore it, who now lives at Atlanta, Georgia."

About daylight next morning two companies of Federal cavalry, under the command of Captain Wilcox, of Colonel John B. Brownlow's command, dashed into Greenville, almost immediately followed by General Gillem's entire force, and surrounded Mrs. Williams' house, where General Morgan was stopping.* Then followed the killing of General Morgan, all the particulars of which are not known, and perhaps never will be. Many statements have been made in regard to this sad and most unfortunate affair, but they are conflicting, contradictory, and most unsatisfactory. The only competent testimony we have concerning it are the statements of General Morgan's Assistant Adjutant General, Captain C. A. Withers, and Major Gassett, of his staff, who were

* Statement of Colonel Brownlow, Appendix.

personally present with him in the house at the time it was surrounded by the enemy, and were eye-witnesses to what transpired immediately preceding his death, but did not wit ness it, both having been separated from him before that sad event occurred—the former being captured by the enemy and the latter escaping. Major Gassett states that he and General Morgan left the house together and endeavored to escape, but found every street guarded; that they then took refuge in the cellar of a house, hoping that some change in the position of the Federal forces would occur whereby they might be able to effect their escape, or that the command would come up in time to rescue them; and that while they were in that position they were discovered and pointed out by a Union woman, whereupon he succeeded in escaping and General Morgan made his way back into Mrs. Williams' garden. Captain Withers says:

"I was awakened by the firing at the stable guard and headquarter sentinel, and upon rushing into General Morgan's room, I found that he had gone, and after a long search I found him under the little church that stood in the southeast corner of Mrs. Williams' lot, and he ordered me to go back to the house to ascertain, from the top windows, if there was any gap in the enemy's line through which he might pass and escape. Finding them as thick as they could sit on their horses all around the lot, I went back to the General and urged him to go into the house and barricade it until the command came, for I felt they would come on hearing the firing. He remarked that it was no use, 'as the boys could not get there in time, and the Yankees will not take me a prisoner again.'"

At this point Captain Withers being separated from General Morgan and captured by the enemy, saw nothing more of him.

Outside of these statements of Major Gassett and Captain

Withers, only two facts are certainly known concerning General Morgan's sad death: that he was killed in Mrs. Williams' garden—shot through the heart, and that his body was treated in a most shameful and brutal manner by those who killed him.

Whether he was killed after he had surrendered, and whether his body was thus brutally and shamefully treated before his death, are questions about which there has been much controversy, but no satisfactory testimony either way, though General Morgan's friends have always believed that he was murdered after he surrendered, and that his body was thus brutally treated before life was extinct.

Captain George W. Hunt, speaking upon these points, says:

"Of course I can say nothing of the question about which so much has been written—whether or not General Morgan was killed after he had surrendered himself. Many of his friends have believed that he was. The house of Mrs. Williams is surrounded upon three sides by the streets of the town, resting immediately upon and fronting one street, while a street runs upon each side of the house and the long garden in the rear of the house. When the Federals surrounded the house and garden on three sides, General Morgan ran down from his room into the cellar, where he remained a few minutes and then moved out into the garden and attempted to hide in the grapevine arbor, but was discovered and shot by a soldier sitting on his horse in the street. There can be no question that General Morgan's body was most shamefully treated, for it was reported by those who witnessed the fact that the fence was torn down and the body dragged into the street, and then thrown across a horse and paraded about the streets of the town, and, according to some accounts, while life was yet in the body."*

* Article in Philadelphia "Weekly Times," May 9, 1865. Appendix.

Colonel Brownlow, who was second in command to General Gillem, says:

"My information at the time, from the men who put his body on the horse, was that he was killed instantly, and as he was shot through the heart with a large ball, I have no doubt he expired before the men could have torn down the fence and gotten to his body. General Gillem published letters, copies of which I have, written to him by Messrs. Withers and Rogers, of General Morgan's staff, to the effect that General Morgan was shot while attempting to escape. However, I presume this will ever be a question of dispute between the actors on the two sides."*

Dr. N. H. Gaines, of General Morgan's command, is reported to have stated that he saw General Morgan shot after he had surrendered, and statements have been made by others that they saw him "throwing his arms about him in the throes of death" after his body had been placed on the horse. Ordinarily, any statement made by a man of such unexceptionable character and unquestionable veracity as Dr. Gaines is known to be, by all acquainted with him, about any matter of which he could have any personal knowledge, would be accepted without question. But, assuming that Dr. Gaines has made the statement attributed to him (which we do not know to be a fact), it was so easy for him and the other witnesses to have been mistaken about the facts they have testified to (neither he nor they having been personally present when General Morgan was killed, or near enough to him at the time, or to his body afterwards, to know and be able to state with certainty what they claim to have witnessed), that their testimony, giving it all due weight and credibility, must be received with great caution and not accepted as conclusive of the facts they have testified to, especially in view of the

* Colonel Brownlow's letter to Colonel Smith. Appendix.

statement of Colonel Brownlow and under all the circumstances of the case, which were of the most exciting character, making it exceedingly difficult, if not impossible, to get at the exact truth of what actually occurred on that fateful day.

At the time the Federals entered Greenville, Colonel Smith, who was, next to Colonel Bradford, the ranking officer in command of General Morgan's forces, was encamped, with a portion of his brigade, *so called*, about one hundred and fifty men in all, under the command of Captains Cantrill and Everitt, on the Rogersville Road, about one and a half miles from town, with headquarters at the house of General Arnold, near that road.*

At daylight that morning a courier came to him with orders from General Morgan, directing him to *remain in his position* and send a strong scout out in the direction of Rogersville, and to report to him as might be required. From this courier Colonel Smith learned that he had just come from Colonel Bradford's headquarters, to whom he had also delivered an order from General Morgan, and that after leaving Colonel Bradford he had heard firing in that direction. While standing there with the order in his hand, Colonel Smith heard the firing himself, but as during the night there had been a heavy rainfall, he thought it was only Colonel Bradford's men firing off their guns to dry them. Captain Hunt, his Adjutant General, who was also present, was of the same opinion. But very soon they heard the report of artillery, which convinced them of their error. Comprehending the situation at once, and convinced that Colonel Bradford had been attacked by the enemy in force (which he afterwards found to be correct), Colonel Smith, being, as before stated, the next ranking officer to Colonel Bradford, assumed com-

* See statement of Captain Hunt. Appendix.

mand of all the other forces, and dispatched three couriers, post-haste, with orders to Colonel Giltner and Captains Cantrill and Everitt, to *fall back at a double-quick in the direction of Greenville* for the purpose of going to Colonel Bradford's assistance.

Before he could get into his saddle, however, he noticed that the firing in the direction of Colonel Bradford's headquarters had ceased, and heard firing in the direction of Greenville. Mounting his horse he moved with full speed, with most of his staff, to the Rogersville Road. In a very short time Captains Cantrill and Everitt appeared with their battalions, of about seventy-five men each, with their accustomed promptness, but Colonel Giltner failed to respond, not having received the order sent him, as he afterwards stated.

With this small force, Colonel Smith proceeded at once to Greenville, but before going far, one of his men came running back, and informed him that the town was full of "Yankees," and that he had no force sufficient to meet them. At this juncture, Captain Hunt came up and reported to him, that before he could saddle his horse, the "Yankees" had come up from the direction of Colonel Bradford's headquarters to in front of General Arnold's residence, and fired at him before he could get into his saddle. Acting upon this information—having the utmost confidence in Captain Hunt's statement, and learning that Colonel Bradford's troops had given way, Colonel Smith determined not to move directly on Greenville, but to make a flank movement in the direction of the Jonesboro Road, which was the natural line of his retreat, in order to prevent the capture of himself and men. On reaching that road, he moved up in the direction of Greenville, as far as Captain Clark's Camp, who was encamped in the suburbs of Greenville, on the Jonesboro Road, and in charge of General Morgan's artillery. After sending

scouts out on his left and right flanks, to prevent surprise, Colonel Smith rode up to Captain Clark, and inquired of him what information, if any, he had. Captain Clark replied that he had sent some of his men into town but a short time before to get forage for his horses, and that most of them had been captured by the enemy, who were in possession of the town. By this time Colonel Smith could see the streets filled with them, and on the farther side of the town General Gillem's entire command, estimated at from twenty-five hundred to three thousand men, in line of battle. He at once directed Captain Clark to open his artillery on them, which order was promptly obeyed, and Captain Everitt to charge the town with his and Captain Cantrill's battalions. This charge was made, led by Lieutenant Norman, the present Auditor of Kentucky, and repulsed. In the meantime, Colonel Smith's scouts informed him that the enemy were flanking him right and left. He thereupon ordered Captain Clark to remove his guns. By this time the enemy had advanced in full force in his front, and he fell back slowly and in good order several miles, when the enemy gave up the pursuit, and he turned the command over to Colonel Bradford, the ranking officer. On taking command, Colonel Bradford ordered a retreat to Jonesboro.*

In the face of all these facts, which are well authenticated, not only by his own statements, but those of Captain Hunt and others, who were in a position to know, and whose veracity can not be questioned, Colonel Smith has been harshly criticised for retreating at this time. Instead of deserving censure, he was entitled to great credit, and should have been commended for being able with the small force at

*See article of Colonel Smith in "Southern Bivouac," August, 1883; also article of Captain Hunt, in "Philadelphia Weekly Times," May 9, 1885—Appendix.

his command at the time—only about one hundred and fifty men, to conduct a safe retreat from Greenville in the face of such odds. It is true he was afterwards joined by the forces of Colonels Bradford and Giltner, but not until he had fallen back some distance, pursued by an overwhelming force of the enemy, when he turned the command over to Colonel Bradford, who was, as before stated, the ranking officer. Had Colonel Smith not taken the precautions he did before ordering Captain Clark to open his guns on the enemy, and Captain Everitt to charge the town—in sending out scouts on his flanks to prevent surprise, both himself and his command would undoubtedly have been captured by the enemy, together with the artillery, before he could have effected a retreat from Greenville, whereas by retreating *at the crisis*, and *in the manner* he did, he saved both, with the exception of one gun, which was disabled. It must be borne in mind that up to this time, neither Bradford nor Giltner had come to his assistance, though within only a few miles of Greenville. This fact does not seem to have occurred to Colonel Smith's critics, if, indeed, they were aware of it. This is not mentioned in criticism of those officers, who were doubtless ignorant of the situation of affairs at Greenville, and acted upon the best information they had at the time, but simply as a circumstance having an important bearing on the case, and explaining, in part, Colonel Smith's actions on that occasion.

Some of Colonel Smith's critics have even dared to charge that he did not attempt to rescue General Morgan, notwithstanding the well-authenticated facts already mentioned: that on hearing the firing in that direction, he proceeded at once to Greenville with such forces as he had at his command, and that on reaching that place, and discovering the enemy in possession of it in full force, ordered Captain Clark to open on them with his artillery, and the town to be charged, which

was done, Lieutenant Norman leading the attack in a most gallant manner. If this attack was unsuccessful, it was not the fault of this brave little band (who had done all that could reasonably be expected under the circumstances), but simply because they were unable to cope with the superior force of the enemy.

For Colonel Smith to have attempted more than he did with the small force at his command, would have been sheer madness on his part, and might justly have subjected him to the severest criticism, as an unwise and imprudent officer, and one unmindful of the lives of his men.

This is the judgment of all fair-minded, unprejudiced men acquainted with the facts, and this will be the judgment of the impartial historian when he comes to write the history of this sad and most unfortunate affair.

Colonel W. W. Ward, a gallant officer, who had previously belonged to General Morgan's command, in a letter to Colonel Smith, from Carthage, Tennessee, of date of July 12, 1865, referring to these criticisms, says:

"Critics and *quasi* commanders, who always remain in the rear, take advantage of such occasions to censure their superiors, *assuming*, *after developed facts*, that they were known at the time. I deem your course on that occasion that of a prudent officer, and one mindful of the lives and interests of his men. To have done differently from what you did, would have been striking a hazardous and perhaps fatal blow in the dark, the result of which doubtless would have been the great injury, if not the partial destruction of your command. You knew not the strength of the enemy, nor his condition, but you did know that your command was in very poor condition for an engagement. I repeat, that I think the evidence clearly exonerates you from all blame, and I would judge that any man who censures you, knowing the facts, would be prompted by personal ill-feeling or envy and jealousy."

Colonel Brownlow, writing to Colonel Smith, after the war, in reference to these criticisms, says:

"The surprise was so complete that neither Forrest, or Sheridan, nor any other cavalry officer could have done, if in your place, what you are criticised for not doing."

Even if Colonel Smith had had the necessary forces at his command at the time he advanced on Greenville, and been able to have driven the enemy from the town, he could not have rescued General Morgan, or saved his life. For, according to all the accounts, General Morgan was killed by the first Federal troops that entered Greenville, and all these accounts agree that that was *shortly after daylight.*

According to the statement of Colonel Smith, which is fully corroborated by those of Captains Hunt and Cantrill, it was about this same time that they heard firing in the *direction of Greenville.*

Colonel Smith says:

"A courier came to my headquarters *a little after daylight,* with an order from General Morgan, written by his Adjutant General, Captain Withers, directing me to remain in my position, and send a strong scout out in the direction of Rogersville, and to report to him as necessity might require. The courier, who delivered to me this order, told me he had just come from Colonel Bradford's headquarters, where he had been to deliver an order to Colonel Bradford, and that after leaving there he had heard firing in that direction. I immediately stepped out of the room upon a porch adjoining, with the order delivered in my hand, and I heard the firing myself. It appeared to me to resemble picket firing, and the first thing that occurred to me was that, as the previous night there had been a heavy rain-fall, Colonel Bradford had allowed his men to fire off their guns for the purpose of reloading. But very soon I heard the report of artillery. I immediately comprehended the situation, and ordered at once three of my

couriers to go post-haste, with orders to Colonel Giltner and Captains Cantrill and Everett, to fall back at a "double-quick" in the direction of Greenville—my purpose being to go to the support of Colonel Bradford, who had been attacked by General Gillem in full force, as I afterwards ascertained. But before I could get into my saddle, which was done in a very brief space of time, as may be imagined, the firing in the direction of Colonel Bradford's headquarters ceased, and I heard firing at Greenville. After I mounted my horse, I moved at full speed with most of my staff to the Rogersville Road, a short way off. Very soon Everitt and Cantrill appeared with their commands, not exceeding one hundred and fifty men all told.

"Captain Everitt suggested to me that we should remain in position until Colonel Giltner came up. My prompt reply was *no*; that Giltner was so far off he might not come in time, and I would move immediately on Greenville. I accordingly moved in that direction with my small force, but, before proceeding far, one of my soldiers came dashing down the road from the direction of Greenville, telling me the town was full of 'Yankees,' and that I had no force adequate to meet them. I knew that Bradford's troops had given way, and Captain George Hunt, my Adjutant General, had, in the meantime, come up and reported to me, that, before he could saddle his horse, the 'Yankees' had come up from the direction of Bradford's headquarters, in front of General Arnold's residence, and fired at him before he could get into his saddle. It is my duty to here state, that a braver, more gallant and reliable man in every regard never served in any army than George Hunt. Acting, therefore, from the best advices at my command, I determined not to move directly on Greenville, but to make a flank movement in the direction of the Jonesboro Road—the natural line of my retreat, in order to prevent the capture of my men and myself. This I did. When I reached that road, I moved up in the direction of Greenville, as far as Captain Clark's camp, who was in charge of General Morgan's artillery, and who was encamped in the suburbs of Greenville, on the Jonesboro Road. After

sending out scouts on my right and left flanks, to protect me from surprise, I rode up to Captain Clark, and asked him for all the information he could give. He told me promptly that he had sent some men into town a short while before to get forage for his horses, and that most of them had been captured by the enemy, who were in possession of the town. This latter fact I saw myself. I saw the streets of the town full of Federal soldiers, and, on the farther side of the village, General Gillem's whole command, numbering twenty-five hundred or three thousand men, in battle array. I directed Captain Clark to open his artillery on Gillem, which order he promptly obeyed, and Captain Everitt to charge the town with his and Cantrill's battalions."

"This charge was gallantly led by Lieutenant Lewis Norman, the present Insurance Commissioner of Kentucky, and repulsed. In the meantime my scouts informed me that the enemy were flanking me right and left. Then it was I ordered Captain Clark to remove his guns, in order to save them, and a general retreat. The enemy pursued us and we fought and held them in check for four or five miles, when they fell back, thus saving all our artillery, save one gun, which was disabled.

"That General Morgan was killed before I left General Arnold's, my headquarters, I have never doubted, and do not now doubt."*

Captain Hunt says:

"Just at daylight the next morning a courier knocked at the door of Colonel Smith's room and delivered to me (I was Acting Adjutant General of the Brigade) an order from General Morgan, directing Colonel Smith to hold his command in its present position until further orders and to send a scout in the direction of Rogersville. As I opened the door I heard the firing of musketry in the direction of Colonel Bradford's camp, which, the courier said, when questioned, had commenced only a few moments before. Colonel Smith's atten-

*Article in "Southern Bivouac," August, 1883.

tion having been called to it, he stepped out on the porch and listened. It had rained through the night and was raining at the time, so we concluded that Colonel Bradford had ordered his men to discharge their guns for the purpose of reloading them. But as the firing seemed to be increasing somewhat, I drew on my clothes and walked out to the yard-gate, where I might hear more distinctly, there being there no obstruction to the sound by the outhouses and shrubbery. Before I could reach the gate, however, the question was decided and there could no longer be any doubt that Colonel Bradford had been attacked. As I returned hurriedly to the house, I saw Colonel Smith leaving the room, and as he went down the porch I could hear him delivering to members of his staff orders for the officers commanding the troops at the camps. Having entered the room and gathered up my papers, I, too, started for my horse, and as I went down the porch I heard firing in the town. This was the first intimation we had that the enemy had gotten into town. Those who had preceded me to the stable left the door open and my horse had gotten into the lot. Before I could saddle and mount, after a chase of the horse which lasted some minutes, there came up the road, from the direction of Colonel Bradford's camp, a column of Federal troops, and as they passed they fired upon me. I supposed then, as I learned afterwards was the fact, Colonel Bradford had been driven from his position on the road and the enemy had passed through. I rode rapidly around to the east side of town and there found Colonel Smith, with a few troops—those who had been the first to saddle their horses and ride from the nearest camp on the Rogersville Road, after having been aroused by the attack on Vaughn's Brigade. As it had been a complete surprise, the troops came in singly or in squads, and there was much confusion and disorder. We could see the Federal troops moving about through the streets in the town, and on the hillside, just beyond the town, we saw them standing in line and apparently in force. Colonel Smith was told by Captain Clark that a number of his men had been permitted to go into town, early in the morning, for the purpose of foraging, and as the enemy had been in town

a considerable time and the men had not returned, he supposed they had been captured. Some of them had ridden artillery horses and he would not be able to man his guns. It was soon reported to Colonel Smith that the enemy was flanking him, and the command was ordered to move back. But about this time the enemy appeared outside of the town, driving the small force before them that had attempted to enter, and very soon the whole command backed up the road. The command fell back slowly, and the enemy, after following a mile or two, gave up the pursuit. * * * * As I have shown elsewhere, the enemy had entered the town and we had heard the firing before Colonel Smith had mounted his horse, and he had then to ride through a field to get to the Rogersville Road, and thence by that road and others to the east side of town, a distance of more than two miles. No cavalry had been stationed near town, so he had no troops at his command until those on the Rogersville Road could saddle their horses and ride to town. * * * * The only troops that made their appearance at Greenville that morning were the two small battalions of Cantrill and Everitt, together numbering about 150 men.

"Whether Colonel Smith should have charged into town after some or all of these troops had reached him, I shall not undertake to say. I make no pretensions to being a military critic. But this much I will say: I do not believe he would have saved the life of General Morgan by doing so. I am satisfied that the moment when the regiment dashed into town must have been almost simultaneous with the attack on Vaughn's Brigade, and we know it was the firing of the guns at Vaughn's camp that aroused both Colonel Smith and the troops on the Rogersville Road.

"All accounts agree in stating that the first seen or known of the enemy in town was when they were in the act of surrounding Mrs. Williams' house, and that the fatal shot was fired a few moments after. Gillem must have moved up to the west side of the town almost as soon as the commands on the Rogersville Road had reached the east side, for Colonel Bradford was driven from the road a few minutes after

the first guns were fired. * * * * Neither Vaughn's Brigade nor Giltner's Regiment came to the town, but reached the Jonesboro Road four or five miles from Greenville."*

Captain Cantrill, in a letter to Colonel Smith in reference to this affair, says:

"I did not get up until it was light enough to distinguish objects at a distance of forty or fifty yards. It could not have been more than five minutes after I had gotten up before I heard a volley, as if fired from a half a dozen guns, followed by two or three random shots. Those with whom I talked at the time, like myself, could not determine whether the firing was on the Bull's Gap Road or at Greenville. We all were of opinion, however, that it was a picket squad firing off their wet guns after being called in from duty. We had hardly stopped talking about the direction from which the sound came, until there was a volley of about twenty guns, followed by a cannon shot. There could be no mistake now as to what that meant, and the order to saddle up and fall into line was given and obeyed with alacrity. While we were saddling up there was considerable firing—scattering shots—and all in the direction of Greenville. * * * I have never had a doubt but what General Morgan was shot before you reached Greenville. At least I know the enemy had abundant time to have searched every nook and corner of Mrs. Williams' house before my little command reached there."

Captain Withers states that after he was captured and taken to Bull's Gap, General Gillem told him that "the first shot fired was at the guard over the stable in which were the horses of General Morgan and staff, the intention being to capture them first to preclude all possibility of escape," and he says it was this shot and the firing at the headquarters sentinel that aroused him, shortly after which he was captured and General Morgan killed.

* Article in Philadelphia "Weekly Times," May 9, 1885. Appendix.

These statements, taken in connection with the fact, admitted on all sides, that General Morgan was killed by the first Federal troops that entered Greenville, and the further fact, equally well established, that they entered the town *about daylight* that morning—at the same time that Colonel Smith and Captains Hunt and Cantrill and others heard the "*firing in the direction of Greenville*," very clearly shows that General Morgan must have been killed before Colonel Smith could have reached Greenville with Cantrill's and Everitt's battalions, if not before he left his headquarters at General Arnold's, as he has stated to be his belief.

How the Federals were so well-informed, not only as to the position and strength of General Morgan's forces, but the exact location of his headquarters, and how they were thus able to enter Greenville and surprise him before it was known they were in the town, are questions about which there has been much speculation.

In regard to the first question, it was reported at the time, and has since been generally believed, that information of General Morgan's presence in Greenville, and of the strength and position of his forces, was borne to the enemy by Mrs. Lucy Williams, the daughter-in-law of the lady at whose house he made his headquarters. The ground for this belief appears to have been the fact that only a short time before she had been detected almost in the act of bearing information to the enemy of a similar kind, and after her detection and failure in her attempt, "had called down the vengeance of heaven upon General Morgan and vowed she would make him suffer," and the fact that she was at the house of her mother-in-law on the afternoon of the day General Morgan and staff arrived there, and afterwards left, saying she was "going to the country to get some watermelons." Aware of her feelings toward General Morgan

and past conduct, some of the staff suspected that she was bent on mischief, but beyond this there was nothing to confirm their suspicions.

Whatever doubt there has been on this point, that doubt is now removed by the statement of Colonel Brownlow, who was second in command to General Gillem, and whose veracity can not be questioned. He not only denies the whole story in regard to the betrayal of General Morgan by Mrs. Willams, but gives the real informant. He says:

"All this abuse of Mrs. Lucy Williams as 'betraying' General Morgan, and piloting the Federal troops to Greenville, is most unjust and false, as well as the charge that the attack was made because of information she sent to our headquarters. There is not one word of truth in it. She neither came to our camp, nor sent the information which led us to the attack. I say this, because I know the person who came to our camp on the day before the attack, and whose representations as to the strength of your command induced us to make the march. I know the person, and he is far more competent for such work than Mrs. Williams.

"With the exception of about one hundred and twenty-five of the Tenth Michigan Cavalry, all of our men were recruited in the region of country where your and our camps were. I don't believe there was a mile of either of the roads we took going to Greenville from which there was not one or more men in our brigade recruited. We had several hundred men as familiar with every part of the roads as you are with the rooms and halls of your private residence. Therefore, we didn't need Mrs. Williams or any other citizen as a guide.

"I will now tell you a fact, which, perhaps, you are not familiar with. When General Gillem's Brigade left Bull's Gap (now called Rogersville Junction) at about ten o'clock P. M., September 3d, 1864, to surprise the Morgan Brigade at Greenville, there was not a man in the brigade, from Gillem down, who knew that General Morgan had returned to

Greenville. The person, whose information *as to the strength of your forces* led us to the attack, left Greenville several hours before General Morgan got there. It is eighteen miles from the Gap to Greenville. About seven miles from Greenville, a white man was seen running from his cabin toward or in the direction of Greenville. We supposed him to be a Confederate sympathizer, hastening to inform your command of our coming. With shouts to him that we would shoot him, unless he stopped, he was brought to. It turned out that he was a friend of ours, a poor man with a small farm, who feared we were Confederates, and that we might harm him or conscript him into the army. It was not light enough for us to see more than the form of a man indistinctly, and he was too badly frightened to stop to see our uniform, if, indeed, it was light enough. From this man we got the first information we had that General Morgan had returned to Greenville, and had stopped at Mrs. Williams. Three miles from town we heard the same from a negro woman, named Mary Keenan, whereupon many of the Northern papers have claimed that 'the credit for the killing of the famous Confederate Cavalry leader was due to this noble colored woman.'

"The white man who gave us the information left Greenville after General Morgan arrived at Mrs. Williams. General Morgan had been dead at least an hour, and I think longer, before General Gillem knew he was dead, and the information of his death was the first information General Gillem had of the fact that he had returned to Greenville at all. I gave him this information in the presence of at least half dozen of the men of my regiment, and of Captain Henry B. Clay, of Morgan's staff, who was my prisoner, and who is now living in East Tennessee. When I told Gillem he could not realize it, and thought I was jesting with him, and would not believe it until after I had reiterated it, and assured him that it was a fact. But the public at large suppose that the whole result, including the surrounding of the Williams residence for the capture or killing of General Morgan was planned and agreed upon by General Gillem, when we started on

the march. The suggestion to surround the Williams residence and capture General Morgan originated with Captain Wilcox, a most daring and energetic officer, who led his company, and that of Captain Northington, to the house.

"The plan of General Gillem, when we started, was to surprise and rout Morgan's command, and though the fatal result to General Morgan was realized through the suggestion of a simple captain to surround the house, yet this result made Gillem in a military point of view. Only a few weeks before, the United States Senate had refused to confirm Gillem's appointment as a Brigadier General of Volunteers. For, or because of the killing of Morgan, he was immediately confirmed Brigadier, soon after made Brevet Major General, and, subsequently, promoted from captain to colonel in the regular army.

"Another fact not published is, that Gillem supposed, when this attack was made, that Giltner was in command of the Morgan Brigade.

"I knew the uncle of General Morgan, the late Samuel D. Morgan, of Nashville, who died in the latter part of May or June, 1880, and a few weeks before his death I met him in Nashville, and he asked me to give him an account of the affair, saying he had never heard a statement from the Federal side. When I concluded, he requested me to at once write him an open letter, through the 'Nashville American,' repeating what I had told him; but I had to leave Nashville the same evening and did not do so."*

Thus has a beautiful romance been spoiled by a cold, cruel fact.

As to the second question—how the Federals were able to enter Greenville and surprise General Morgan before it was known that they were in the town—General Duke says:

"It has been stated, I know not how correctly, that the enemy gained admittance to the town, unchallenged, through

* Letter to Colonel Smith, July 10, 1885. Appendix.

an unaccountable error in the picketing of the roads on the left. According to this account the enemy, who left Bull's Gap before midnight, quitted the main road at Blue Springs, equi-distant from Greenville and Bull's Gap, and marched by the Warrensburg Road until within one mile and a half of the town.

"At this point a by-road leads from the Warrensburg to the Newport Road. The pickets on the Warrensburg Road were not stationed in sight of this point, while on the Newport Road the base of the pickets was beyond the point where the by-road enters, and there were no rear videttes between the base and town. The enemy (it is stated) took this little by-road, and turning off in front of one picket, came in behind the other."*

But Captain Hunt, who was on the ground and in a better position to know, besides being a very intelligent man and close observer, says:

"But the enemy did come, not by this circuitous way, the Warrensburg Road. The pickets on this road declared they saw no enemy that night, but they were aroused the next morning by the firing in the town. If the reader will cast his eyes upon the map, I think he will see very clearly how the plan adopted by the enemy was executed. General Gillem moved out with his whole force from Bull's Gap, which is about fifteen miles from Greenville, about midnight, and marched to Blue Springs, a point half way between the two places. Here a part of the command—one regiment, it has been said—turned off the road and moved through the woods and by-paths to Greenville, keeping, all the way, between the Bull's Gap and Warrensburg roads. Gillem, having halted long enough at Blue Springs for the regiment to approach the vicinity of Greenville, moved up and attacked Vaughn's Brigade, which was in camp a few miles beyond, so that, while engaging this brigade and attracting the attention of the other forces of General Morgan, the regiment might dash

* Duke's History of Morgan's Cavalry, 538.

into Greenville and accomplish its mission. These movements were all well-timed, for it was only a few moments after the attack upon Vaughn's Brigade, and the firing was heard there, that the enemy surrounded Mrs. Williams' house and the firing was heard in town. This I know. From the position I occupied at General Arnold's house, intermediate between the two points of attack, we could distinctly hear the firing at both places. That the reader might see how so short a time intervened, was the reason why I narrated so particularly all that transpired that morning at the house of General Arnold. That this regiment reached Greenville in the way I have indicated above, there can be no doubt. Aside from the statement of the pickets that they saw no enemy, we have the facts that troops leaving the Bull's Gap Road at Blue Springs, or at any other point in front of Vaughn's position, must necessarily travel a long and very circuitous route to reach the town by the Warrensburg Road, and if the troops that picketed that road had been far more worthless than Mr. Ferris says Vaughn's Brigade were, there would still have been danger that an alarm would have been given, and General Gillem, considering this fact, would have almost certainly dispatched his East Tennessee troops, who knew the country well, by the other route.

"It may be asked why it was that the approach of the enemy by this way, which seems to have been so readily accomplished, and which, to the reader, may now appear so practicable, was not guarded against, either by the order of General Morgan or by Colonel Bradford under his order to picket to the left. Even had it occurred to either of them that the enemy would make so determined an effort to capture or kill General Morgan, it must be remembered that it would have been a very difficult matter to have determined where to post a picket so that it could effectually guard against the approach of the enemy, where there are no public roads and only a few by-paths or neighborhood roads."*

Thus it will be seen, from this statement of Captain Hunt

*Article in Philadelphia "Weekly Times," May 9, 1885. Appendix.

and the statement of General Morgan's Assistant Adjutant General, Captain Withers, heretofore referred to, that all the proper dispositions were made by General Morgan, and the pickets posted in accordance with his orders, so as to guard every avenue of approach to Greenville, so far as it was practicable to do so. The only correct conclusion, therefore, that can be reached is, that it was a *complete surprise* of the forces posted by General Morgan to guard *his front*, that led to his surprise and the fatal result that followed.

Who, then, it may be asked, if anybody, was responsible for the surprise of the forces guarding General Morgan's front? Certainly not Colonel Smith, for he was on the opposite side of the town from where the enemy entered, and, according to all the accounts, from a mile to a mile and a half from it at the time. Nor General Morgan, for, as Captains Withers and Hunt have shown and Colonel Smith expresses it, "his disposition of his troops was military and soldier-like,"* and he had taken every possible precaution against surprise.

The only satisfactory answer to this question is to be found in the statements of Colonel Brownlow and General Gillem, as reported by Captain Withers. Both of these officers state that the "surprise" was due to the capture of Colonel Bradford's pickets, *asleep on their post.* Colonel Brownlow attributes this to the lack of a "more rigidly enforced discipline" in the command. He says:

"Had this been done, the pickets might not have been taken asleep." †

Captain Withers says:

"After I had been captured and carried to Bull's Gap,

* Article in Southern Bivouac, August, 1883. Appendix.

† Letter to Colonel Smith, July 10, 1885. Appendix.

General Alvin C. Gillem, who commanded the Federal forces, told me that he had met no scouting party, and he approached by the main Nolichucke Road. He captured one vidette, *who was asleep on his horse.*" *

These statements of Colonel Brownlow and General Gillem relieves Colonel Bradford of all responsibility for this surprise, which might otherwise have been attributed to him, as the commander of the forces on that side of the town from which the enemy entered, and places it where it belongs, on the unfaithful men whose neglect of duty cost their General his life. Had they been awake and done their duty, they might either have escaped, and apprised General Morgan of the Federal advance, or given the alarm in time to have enabled him and his staff to escape. But being asleep, these faithless sentinels were taken before they could do either, and the result that followed was the inevitable consequence, which all that General Morgan and his officers could do, situated as they were, could not have averted. It was simply one of those sad and unfortunate events that might have happened to any other commander, however skillful and prudent, under similar circumstances.

After General Morgan's death, a Court of Inquiry was ordered by General John Echols, who was then in command of the department, for the purpose of investigating the causes of this disaster at Greenville. This court, consisting of Colonels Joseph T. Tucker, James E. Carter, and W. W. Ward, was held, and an investigation made, but no written report was ever made of its proceedings. It is sufficient to state here, that one of the results of that investigation was to fully exonerate Colonel Smith, and acquit him of all blame, as the following letter from Colonel Tucker shows:

* From letter to Colonel Smith.

"WINCHESTER, KY., July 3, 1865.

"COLONEL—Colonels Carter, Ward, and myself, were appointed by Brigadier General Echols a Court of Inquiry to investigate and inquire into the causes of the disaster at Greenville, Tennessee, at the time of General Morgan's death. We made a full and thorough investigation, and *entirely* acquitted you of *all censure* upon that occasion. No person acquainted with the *facts* would cast the slightest reflection upon you. The asperities of evil minded persons ought to have ceased, at least, with the loss of your liberties.

"I am respectfully, yours, &c.,

"JOSEPH T. TUCKER.

"To Colonel D. H. Smith."

Colonel Smith received letters to the same effect from Colonels Carter and Ward, the other members of the court. Yet, in the face of the judgment of this court, and all the facts heretofore referred to, completely exonerating him from all blame, and vindicating his action on that occasion, an individual signing his name F. P. Ferris, in an article in the Philadelphia "Weekly Times," as late as 1885, which, for ignorance of the situation, and perfect mendacity, has, perhaps, never been equaled, sought to throw the whole responsibility for the death of General Morgan on Colonel Smith. This article was copied into the "Cincinnati Enquirer," and obtained a large circulation. Whilst it could not hurt Colonel Smith with any who knew him, or were acquainted with the facts, it was calculated to do him great injury.

Who this individual was nobody knew, though it would appear from his own statements that he belonged to Captain Cantrill's Battalion, and that (though only a private in the ranks) he not only knew all the chief actors in that most unfortunate affair, but all that transpired on that dreadful day, both *inside and outside* of the Confederate lines—even to the

minutest details. This, of itself, was sufficient to convict the writer and condemn the article.

Without dignifying his article by publishing it here, or making any further comment on it, we would simply refer the reader to the facts already mentioned, and the replies of Colonel Smith and Captain Hunt, also to the the statement of Colonel Brownlow, embodied in a letter to Colonel Smith, giving his version of the affair from a Federal standpoint, which are too lengthy to be inserted here, but will be found in appendix form at the end of this volume.

Thus ended the career of one of the most daring, brilliant, and successful cavalry leaders of the late war on either side. Nothing that we can say can add to his fame—that is as well established as a fixed star in the firmament. When the impartial historian comes to write the history of that great struggle for constitutional liberty, he will do full justice to his memory.

After his death, General Morgan's remains were recovered from the enemy by flag of truce, and taken to Abingdon, Virginia, and interred with distinguished military honors. They were afterwards re-interred in the cemetery at Richmond, Virginia, and finally removed to his old home at Lexington, Kentucky, and buried in the beautiful cemetery there, where they now rest.

On General Morgan's death, it became a question who should succeed him in command. This question was settled by the War Department at Richmond tendering the place to Colonel Smith. But he declined it, and in his letter of declination to the Confederate Secretary of War, Hon James A. Seddon, recommended the appointment of Colonel Bazil W. Duke.

There were few men, especially so well qualified to command an army as he had shown himself to be, who would

have declined such an honor. There was, therefore, no reason why he should not have accepted it. But Colonel Duke was General Morgan's brother-in-law. There was a close intimacy between them, and the men immediately under Duke's command were much attached to him. Moreover, Colonel Smith had confidence in his ability, and believed him to be competent for the place, and that the service would be benefited by his promotion. For these reasons he was willing to ignore his own personal claims and opportunity, and ask that Colonel Duke be appointed to the place.

Here was another instance of his characteristic unselfishness and magnanimity, which called forth the highest praises from those in authority. The Hon. Henry C. Burnett, of Kentucky, since deceased, who was then a member of the Confederate Congress, and present in the office of the Secretary of War when Colonel Smith's letter declining the place, and recommending the appointment of Colonel Duke, was received, gave the following account of it:

"I have just heard the highest compliment paid to Colonel Smith ever offered to any soldier. I have just come from the War Office, and whilst there saw Mr. Seddon hand Colonel Smith's letter, recommending the promotion of Colonel Duke, to General R. E. Lee. General Lee read it very carefully, and said: '*This is the most patriotic and creditable letter I have read during the war. I know something of Colonel Smith, and hold him in high esteem, but this letter places him still higher in my regard. If there was more of this spirit among the officers, we would have fewer troubles and disasters. The President ought to, and I hope will, commission both Duke and Smith Brigadier Generals.*'" And Mr. Burnett added, "I hope so too."

This was, indeed, a high compliment, coming from such a man as General Lee, and one to be treasured by the family and friends of Colonel Smith.

In October following, General Burbridge advanced in heavy force upon Saltville, Virginia, but was met and defeated by General John S. Williams, with heavy loss. In this engagement Colonel Smith acted upon General Williams' staff, and it is said that *to his efficiency in conveying orders* and *to his judgment in disposing of troops* is due much of the credit on that occasion.

General Duke, in his account of this engagement, says:

"On the next day we received orders from General Echols to march at once to Saltville, as Burbridge was drawing near the place. In a very short time the energy and administrative skill of General Echols had placed the department in an excellent condition for defense. But it was the opportune arrival of General Williams which enabled us to beat back all assailants. When we reached Abingdon we learned that General Breckinridge had arrived and had assumed command. After a short halt, we pressed on and reached Saltville at nightfall, to learn that the enemy had been repulsed that day in a desperate attack. His loss had been heavy. General Williams had made a splendid fight—one worthy of his very high reputation for skill and resolute courage. His dispositions were admirable. It is also positively stated that, as he stood on a superior eminence midway of his line of battle, his voice could be distinctly heard above the din of battle, as he shouted to all parts of the line at once."*

During the winter of 1864–65, which was intensely cold, nothing occurred of interest in which Colonel Smith took part till February, when he was sent into Kentucky by the War Department at Richmond, under a flag of truce, to confer with General Burbridge in regard to the shooting of regular Confederate soldiers in retaliation for the lawless acts of *guerrillas*, who at that time infested the State and were a terror alike to "Southerners" and "Unionists." He was

* Duke's History of Morgan's Cavalry, 548.

accompanied by a small escort, under the command of Captain Peter Everett, and the country through which he had to pass was mountainous and rough and infested with "bushwhackers," which made it exceedingly hazardous. Moreover, his mission was a delicate and important one, and one requiring great tact and judgment, as well as firmness. It is sufficient to say that, as a result of his mission, no more blood was spilled on that account—in a word, it was successful.

This ended Colonel Smith's military career, and very soon afterwards followed the close of the war for Southern independence by the surrender of the armies of Generals Lee and Johnston.

We can not close this chapter without referring to the following high estimate of him as a soldier from the pen of a distinguished ex-Confederate officer:

"The writer was thrown much with Colonel Smith towards the close of the war, and had an opportunity not only to estimate his character from the standpoint of his own observation, but to witness the esteem in which he was held by his soldiers and the officers of the army. He was a thorough soldier in person and in spirit—always amiable and pleasant, but firm, prompt, and decisive in the discharge of his duties. No order ever received by him from a superior in rank was ever disregarded, but promptly, and at any peril, he proceeded to its execution. He was cool, deliberate, and of excellent judgment in action. His men had every confidence in his courage and self-possession and did not hesitate to follow wherever he led."

CHAPTER VIII.

THE SURRENDER, AND HIS RETURN HOME—RESUMES THE PRACTICE OF LAW—HIS CANDIDACY FOR THE CLERKSHIP OF THE COURT OF APPEALS—ELECTED STATE AUDITOR FOR THREE TERMS—OPINION IN COCHRAN VS. JONES—APPOINTED RAILROAD COMMISSIONER—HIS RETIREMENT AND DEATH.

On his return from the flag of truce into Kentucky, Colonel Smith, with his usual judgment and penetration, soon foresaw, from the turn events were taking, the result that soon followed with the surrender of the armies of Generals Lee and Johnston. Deeply impressed with this conviction, but still hoping, with many others, that the war would not end there, but simply be transferred to the west banks of the Mississippi, he sought and obtained from the War Department at Richmond a transfer to the Trans-Mississippi Department. Still firmly believing, as he had always believed, that the South was right, and having risked his all in that contest, he was now ready, if necessary, to back his convictions with his life-blood. It was his desire, at all events, not to yield until further resistance might appear to him useless and vain, and then to be in a position whereby he might escape the country, believing that the war was being waged for the complete subjugation of the South, and that those who had taken that side of the question could expect no clemency at the hands of the party then in control of the Federal Government.

With these convictions he accordingly left Richmond early in the spring of 1865, in company with Captain Orville O. West and Lieutenants William N. Offutt and Marion Burch, of his staff, and others, and proceeded overland to the Trans-Mississippi Department.

On reaching Northern Alabama, he learned of the sur-

render of Generals Lee and Johnston. Immediately followed the surrender of General Richard Taylor, in whose department he then was. By the terms of this surrender the officers were allowed to retain their horses and side-arms. Satisfied that all further resistance would be useless and would not be attempted, and finding all avenues of escape closed, and wishing to avail himself of these terms, which were more favorable than he had expected, he at once reported to the nearest Federal post and surrendered. After his surrender he returned to Kentucky.

On his return to Kentucky he had a large and dependent family on his hands. During his long absence in the army his interests had suffered materially, and it was a serious question with him how he was to earn a livelihood for himself and family. With his usual decision and energy, he was not long in deciding what he should do. Gathering together what means he could, he purchased a small farm near New Liberty, in Owen County, and removing his family there, resumed the practice of law at Owenton, the county seat.

In this he met with as fair success as the times and surroundings would permit, and managed to keep the wolf from the door until 1866, when, at the earnest instance of his friends, he became a candidate for the clerkship of the Court of Appeals, the most lucrative office within the gift of the people of Kentucky.

In May of that year the nominating convention of the Democratic party met to nominate a candidate for that position. Convinced that the election of an ex-Confederate officer, at that time, to such an important position, would be impolitic, and would seriously affect the interests of the party in the then heated Northern States, he magnanimously withdrew from the contest. This he did when his nomination was practically assured. The result of his withdrawal

was the nomination and election of Judge Alvin Duvall, who had been a Union man during the war, though conservative throughout. At this time there were two elements in the Democratic party in the State—the ex-Federal, or "Union," and the ex-Confederate, or "Southern," the former of which was very strong, and, had it been lost to the party, would probably have resulted in its defeat at the polls. By his withdrawal and the nomination of Judge Duvall, these two elements were brought together and victory thus assured, and the State saved to the Democracy. It is due to this fact, largely, that Kentucky, from that day to this, has been so overwhelmingly Democratic.

This fact was recognized by the party leaders in the State, and the party were not long in rewarding him for this act of magnanimity and patriotism.

In 1867 he was nominated, almost by acclamation, for the office of Auditor of Public Accounts, and was elected by an almost unprecedented majority. In October of that year his predecessor in office, the Hon. W. T. Samuels, resigned, and he was appointed by Governor John W. Stevenson to fill the vacancy until January following, when he could regularly qualify, under the law, for the term for which he had been elected. He accordingly entered upon the duties of that office on the 17th day of October, 1867, though the term for which he was elected did not begin until January following, as stated. His opponents before the nominating convention in this race were ex-Auditors Grant Green, of Henderson County, and W. T. Samuels, of Hardin, and the Hon. W. P. Baker, of Hancock County, and J. P. Foree, of Shelby, all capable, influential, and prominent men in the Democratic party of the State.

In 1871 he was again elected to this office by a very large majority, and this time without opposition in his party. This

was a most marked circumstance (as the office had always been considered not only a very important, but a most lucrative and desirable one), as well as a most flattering testimonial of the esteem in which he was held and of the confidence reposed in him by the people of Kentucky. His majority was overwhelming.

In 1874, and during his incumbency in office, occurred the memorable contest for the office of Clerk of the Court of Appeals, between the Hon. Thomas C. Jones and John B. Cochran, the particulars of which are too well known to need mention here. It is sufficient to say, Jones was elected Clerk of the Court of Appeals by a very large majority, but Cochran contested his right to the office on the ground that he was constitutionally ineligible, having accepted a challenge from one Dr. J. Hale to fight a duel. This contest came before a Contesting Board, created under the Constitution of the State for trying such cases, consisting of the Governor, Attorney General, Auditor, Secretary of State, and Treasurer. It was a question whether or not Jones had accepted a challenge to fight a duel, within the meaning of the Constitution and laws of Kentucky on the subject, so as to bring himself within the disqualifying clause of the dueling law; also whether he was or not entitled to a trial by jury before a judgment of ouster could be had, which would, in effect, amount to a conviction under the law, the offense being criminal in its nature and penal in its consequences, and the question involved one of fact as well as of law. The decision of the majority of the Board, consisting of Governor P. H. Leslie, Attorney General John Rodman, and Secretary of State George W. Craddock, was adverse to Jones, the office being declared vacant and a new election ordered. From this opinion the Auditor and Treasurer James W. Tate dissented, in a very elaborate and able opinion, prepared and delivered by

the former, which, on appeal, was sustained by the Court of Appeals, the then highest judicial tribunal in the State.*

In 1875, he was again nominated and elected Auditor by a very large majority. This time he was opposed in the nominating convention of the party by the Hon. Joseph Gardner, of Magoffin County, and General Fayette Hewitt, of Hardin County, one of the best known and most popular Democrats in the State—himself an ex-Confederate officer. In 1879, at the urgent instance of his friends, and against his own judgment and wishes, he again became a candidate for this position. But this time he was unsuccessful. His former opponent, General Hewitt, received the party nomination (but not until after a spirited contest), and was elected. His defeat in this race was largely due to the influence of certain corporations in the State, whom he had antagonized by his rigid and fearless administration of the laws regulating them.

Thus, for three successive terms, he was elected Auditor of Public Accounts by the people of Kentucky, an occurrence almost unprecedented in the history of the Democratic party of the State, that party being traditionally and constitutionally opposed to an election for a third term to any office of public trust. This was a grateful recognition of his services, a distinction of which any man might well feel proud, and which none could have appreciated more fully than he did.

It is not generally known, perhaps, but the office of Auditor of Public Accounts is, in Kentucky, the most important and responsible position in the State government. Besides being intrusted with keeping the accounts of the State with sheriffs, clerks of courts, trustees of the jury fund, and others, in itself a most delicate and important trust, and one requiring great labor, responsibility and good judgment, the Auditor is *virtually* at the head of two departments besides his own: the

*See Opinion in Cochran vs. Jones. Appendix.

Insurance Department and the Treasury, and is indirectly responsible for the management of each, the Insurance Commissioner being his *appointee*, and the department under his supervision, and the Treasurer *practically* only his *Receiving Clerk* (although he is required to give bond, and his department made separate under the law), the law of the State having wisely provided that no money shall be paid out of the State Treasury on any account until properly audited, and then only upon the warrant of the Auditor, and the Treasurer being required to keep his books so as to balance with those of the Auditor, who has thus been made the guardian of the State's funds, with an incidental supervisory power. The Auditor is, moreover, *ex-officio* Secretary of the Board of Commissioners of the Sinking Fund, and the chief financial officer of the State. It is also necessary that he should be a good lawyer, as there are questions of law (sometimes of great difficulty) constantly arising in his department, requiring for solution, not only good judgment, but a thorough knowledge of the revenue and other laws of the State.

How well and faithfully he performed these varied duties during his long incumbency in office, his record during that time abundantly shows. When he went into office in October, 1867, the bonded indebtedness of the State was $4,611,199.46. At the close of the last fiscal year of his administration (October 10, 1879), the total bonded indebtedness of the State—exclusive of the School Fund, which is a permanent and irredeemable loan, was only $180,394, a reduction in twelve years of $4,430,805.46, with resources in the Sinking Fund to pay this indebtedness of $768,151.72, or, in other words, with a balance in the Treasury to the credit of this fund of $587,757.72.*

* See Auditor's Reports, 1867, 1879.

It is true there was a deficit in the *Revenue Proper* during these years, but that was not the fault of the Auditor. For every year for nine years previously to his incumbency, with the exception of one, there had been *a deficit in this fund*, notwithstanding the fact that the taxes of the State were *steadily increased during that period* from *twenty cents on the one hundred dollars worth of taxable property*, until they reached *forty cents on the same amount.*

In 1858 there was a *deficit* in this fund of $22,445.44; in 1860, $139,526.17; in 1861, $146,990.65. But in 1861, the State borrowed from the Sinking Fund $300,000; which enabled the Revenue Proper to show a small balance for 1862 and 1863, though there was, in fact, a *deficit* for each of those years.

In 1864 there was a *deficit* of $39,326.80; in 1865, $46,983.46; in 1866, $205,133.77; and, in 1867, when he first entered upon the duties of his office, $301,200.56. Thus, it will be seen, the *deficit began in* 1858, *and continued each year*, with the exception of 1859, until the close of the fiscal year ending October 10, 1867. During that year the State borrowed from the Sinking Fund $350,000, which enabled the Revenue Proper to show a small balance in its favor in the Treasury on the 10th of October of that year. So, it will be seen, that in consequence of the deficits stated, the State was compelled to borrow from the Sinking Fund during the years 1861 and 1867 the total sum of $650,000.

It is true that after he went into office these deficits in the *Revenue Proper* continued from year to year, but it was not his fault. In each of his reports, after he went into office, he urged upon the Legislature the necessity of appropriate legislation to cover these deficits, but nothing was ever done. Notwithstanding, he called their attention to the cause of these deficits, to-wit: the passage of the act of

March 7, 1876, *reducing the rate of taxation for revenue purposes from twenty to fifteen cents on the one hundred dollars' worth of taxable property;* to the fact that the large surplus in the Treasury of the previous fiscal year was the result of *large collections from the Federal Government on account of "war claims," which could not be relied on as a permanent resource;* also the fact of *the shrinkage in values incident to the embarrassments of the country at that time;* and the further fact of *the large and continued increase in the expenses of the State, growing out of the increase of litigation and crime,* the multiplication of the courts as a necessary consequence, and of asylums for the relief and protection of unfortunates, etc., which brought about the reduced, depleted condition of the Treasury. He also called the attention of the Legislature to the repeated frauds practiced on the Treasury in the way of fraudulent claims, etc., and urged upon them the necessity of the passage of a law to prevent these frauds.*

Previously, in 1868, he prepared a most admirable Digest and Codification of the revenue and other laws of the State then in force, for the benefit of Commissioners of Tax, Sheriffs, Clerks, Trustees of the Jury Fund, and other officers, calling their attention specially to their respective duties under those laws and urging upon them the necessity of a strict compliance therewith; if not, that they would be promptly and rigidly enforced. In this Digest special attention was called to the law in relation to claims, accompanied by a properly prepared form, which was required to be strictly followed before any claim was paid out of the Treasury. This was a means of saving much money to the State, which otherwise would have been lost.

Had the Legislature acted upon his suggestions, instead of a deficit in the Revenue Proper, there would undoubtedly

*See Auditor's Reports, 1868–1879, inclusive.

have been a balance in the Treasury to the credit of this fund, as well as the Sinking Fund, at the end of his official term. This has since been sufficiently demonstrated by the approximate correctness of his estimates, previously made (which were afterwards relied upon and followed by his able successor in office), and by subsequent events.

This was a most remarkable and creditable showing, and one which has found no parallel in the management of that office. Not only this, but during his long incumbency there were no defalcations or frictions in his office nor any of its branches. On the contrary, everything moved along like a well-ordered piece of machinery—smoothly, harmoniously, and to the best interests of the State.

Bright as was his record as a soldier, it was excelled by his administration of this office, requiring the highest executive and administrative, as well as financial ability. The following high testimonial has been paid him by a distinguished Kentuckian, who, by reason of his position, was brought in frequent contact with him during his incumbency in office, both in a personal and business relation, and had, therefore, ample opportunities for forming a correct estimate of him, both as an officer and as a man:

"As a State officer, Kentucky has never had his superior. Strictly honest in every effort to conserve the public good, of untiring industry, prompt to the minute in the performance of every duty, rapid and clear in decision, his services will be long remembered and valued by the people. As a correspondent he has few if any equals, and his thorough system and office organization is a subject of general flattering comment. He has surrounded himself with a corps of assistants and employes, who thoroughly understand his business, and the work goes on with unexampled smoothness.

"Kind-hearted almost beyond reason—generous to a fault,

he has never accumulated a fortune; but he has always managed to live as a gentleman, and to friend or stranger his hospitable door is ever ajar."

After his retirement from the Auditorship, he purchased a farm near New Castle, in Henry County, and removed there with his family. Meeting with little success in farming, owing to the frequency of drouths in that section, and the then disorganized condition of labor, and finding that farm life, in this condition of things, required too much exposure and too many hardships for one at his advanced time of life, he sold his farm, and removed with his family to Louisville, where he resided at the time of his death.

In the spring of 1882, and before his removal to Louisville, he was appointed by Governor Luke P. Blackburn one of the Board of Railroad Commissioners, which position he held until May, 1884. He was chosen chairman of the board, and his assistants were the Honorable Willis B. Machen and Judge W. M. Beckner.

On his removal to Louisville, he opened a law office, and resumed the practice of law, but finding it not sufficiently remunerative to support himself and family, owing to the overcrowded condition of the bar, and the disadvantage he labored under—of coming into a new field, and attempting to establish himself in business at his time of life, he was compelled to seek other means of support. He accordingly, on the election and accession of Mr. Cleveland to the Presidency, sought the appointment to the place of Collector of Internal Revenue for the Louisville district, but in this he was disappointed, though strongly indorsed for the place by many of the best known and most influential Democrats in the district and State. Fortunately, however, the successful candidate was his personal friend—a most excellent gentleman, who very kindly tendered him a position as one of his

assistants in the department on a fair salary, which he accepted and held at the time of his death.

On the 15th day of July, 1889, he passed quietly away in the midst of his family, of heart failure, "full of honors and full of years." His death was so sudden and unexpected, it was a great shock to his family and friends. He had been complaining for some time of heart trouble, and had had his heart examined, but his physicians assured him there was no trouble of a serious nature, and he need have no apprehensions. Notwithstanding these assurances, he felt that his end was approaching, and had so expressed himself to his friends, on several occasions, also that he was prepared to go whenever the fatal summons should come. This was a source of sweet consolation to his loved ones.

He died as he had lived, a firm believer in the religion of the Lord Jesus Christ, and a member of the regular Baptist Church, with which he had been connected since 1848.

After the usual funeral services at the family residence in Louisville, the Rev. F. H. Kerfoot, D. D., of the Southern Baptist Theological Seminary officiating, in a few appropriate remarks on his Christian life and character, assisted by his old friend and comrade in arms, the Rev. Joseph Desha Pickett, in an eloquent and just tribute to his life and character as a man, citizen, and soldier, the remains of the deceased were taken to Lexington, and laid away to rest in the family lot in the beautiful cemetery there—within the shadow of the home of his childhood and maturer years, and among the people he had served so faithfully and loved so well.

"His life was gentle, and the elements
So mixed in him, that nature might stand up
And say to all the world, this was a man."

APPENDIX.

CAPTAIN GEO. W. HUNT'S REPLY TO FERRIS.

Much has been written and published in the public journals, from time to time, upon the death of General John H. Morgan, the distinguished cavalry commander of the Confederate States Army, and although the writer of this was at or near the town of Greenville, Tenn., the scene of this sad event, on the morning of September 3, 1864, when his beloved commander lost his life, he has had no disposition to add anything to all that has been said until he met with the communication of F. P. Ferris, which was published in the columns of The Weekly Times. This article contains so many errors—so much that is absolutely false—that he has concluded to ask for a limited space in your columns, that he may tell what he saw and what he knows to have occurred on that dreadful morning.

General Morgan commanded the Department of Southwest Virginia during the summer of 1864. In the latter part of August he left Abington, Va., with the purpose of taking the field in person, and, after collecting all the available troops in East Tennessee, of moving against the enemy, who had on several occasions recently raided that part of his department. His command, when collected and organized, was composed of Vaughn's Brigade of East Tennessee Cavalry, commanded by Colonel Bradford, and Morgan's Brigade, commanded by Colonel D. Howard Smith. A battalion of artillery was connected with the command, under the charge of Captain Clark.

THE GREENVILLE CAMP.

The town of Greenville was reached between 3 and 4 o'clock in the afternoon of September 2, and while the command was halted in the streets, Captain C. A. Withers, General Morgan's Adjutant General, delivered to the several commanders the orders of General Morgan, stationing the troops for the night. It will be seen by looking at the map that the Jonesboro Road, the road by which we had reached Greenville, enters the town on the east side, and after running through the town, leaves it on the west side, running thence directly west through the fortified position at Bull's Gap, which is fifteen miles distant from Greenville. North of this Bull's Gap Road, and running in a northwest direction, is the road leading from Greenville to Rogersville, and south of it is the road leading from Greenville to Warrensburg, which runs in a southwest direction, or a little south of southeast. As General Morgan had moved down with his command, a portion of the enemy's force—said to have been one regiment—had fallen back before him, following from Greenville to Bull's Gap Road, and, according to the report of the scouts, had gone into the Gap, where it was known General Gillem was, with his whole force. Those three roads, then—the Bull's Gap Road, running west, and the Rogersville and Warrensburg roads, running, respectively, northwest and southwest—were the roads that General Morgan wished the troops to guard. Captain Withers ordered Colonel Bradford to move, with Vaughn's Brigade, out on the Bull's Gap Road and camp and picket well to his front and to the left, including the Warrensburg Road. Colonel Smith was ordered with his brigade out on the Rogersville Road to encamp, as he might forage for his horses, and to picket to his front and right. Colonel Smith's Brigade was composed of Giltner's Regiment, numbering about 400 men, and two small bat-

talions—one of old Morgan men and commanded by Captain James E. Cantrill, and the other of men of Hodge's old Brigade and commanded by Captain Peter Everitt. Of these commands, Cantrill's was the nearest to town, being about four miles out, while Giltner was several miles further in the direction of Rogersville. Captain Clark was directed to station his artillery a short distance in rear of the town, near the road by which we had entered. General Morgan established his headquarters in the town at the house of Mrs. Williams.

THE UNEXPECTED ATTACK.

Colonel Smith had made his headquarters at the house of General Arnold, which was situated a little over one mile from the town, and between the Rogersville and Bull's Gap Roads, but nearer the latter than the former; indeed, the yard extended up to the foot of a hill, over the side of which ran the Bull's Gap Road. Just at daylight the next morning a courier knocked at the door of Colonel Smith's room and delivered to me (I was Acting Adjutant General of the Brigade) an order from General Morgan, directing Colonel Smith to hold his command in its present position until further orders and to send a scout in the direction of Rogersville. As I opened the door I heard the firing of musketry in the direction of Colonel Bradford's camp, which the courier said, when questioned, had commenced only a few moments before. Colonel Smith's attention having been called to it, he stepped out on the porch and listened. It had rained through the night and was raining at the time, so we concluded that Colonel Bradford had ordered his men to discharge their guns for the purpose of reloading them. But as the firing seemed to be increasing somewhat, I drew on my clothes and walked out to the yard-gate, where I might hear more distinctly, there being there no obstruction to the sound by the outhouses and

shrubbery. Before I could reach the gate, however, the question was decided, and there could no longer be any doubt that Colonel Bradford had been attacked. As I returned hurriedly to the house, I saw Colonel Smith leaving the room, and as he went down the porch I could hear him delivering to members of his staff orders for the officers commanding the troops at the camps. Having entered the room and gathered up my papers, I, too, started for my horse, and as I went down the porch I heard firing in the town. This was the first intimation we had that the enemy had gotten into town. Those who had preceded me to the stable had left the door open and my horse had gotten into the lot. Before I could saddle and mount, after a chase of the horse which lasted some minutes, there came up the road, from the direction of Colonel Bradford's camp, a column of Federal troops, and as they passed they fired upon me. I supposed then, as I learned afterwards was the fact, Colonel Bradford had been driven from his position on the road and the enemy had passed through.

REPULSED AND DRIVEN BACK.

I rode rapidly around to the east side of town and there found Colonel Smith, with a few troops—those who had been the first to saddle their horses and ride from the nearest camp on the Rogersville Road, after having been aroused by the attack on Vaughn's Brigade. As it had been a complete surprise, the troops came in singly or in squads, and there was much confusion and disorder. We could see the Federal troops moving about through the streets in the town, and on the hillside, just beyond the town, we saw them standing in line and apparently in force. Colonel Smith was told by Captain Clark that a number of his men had been permitted to go into town, early in the morning, for the purpose of foraging, and as the enemy had been in town

a considerable time and the men had not returned, he supposed they had been captured. Some of them had ridden artillery horses and he would not be able to man his guns. It was soon reported to Colonel Smith that the enemy was flanking him, and the command was ordered to move back. But about this time the enemy appeared outside of the town, driving the small force before them that had attempted to enter, and very soon forced the whole command back up the road. The command fell back slowly, and the enemy, after following a mile or two, gave up the pursuit.

Now a few words as to the recollections of Mr. F. P. Ferris, as they appeared in The Weekly Times. Mr. Ferris has certainly succeeded in building up a very thrilling story, and doubtless many of your readers have read his eloquent chapters with great interest, but—as all those who participated in that most unfortunate raid can tell you—he has furnished very poor material for the future historian, and that therefore his communication is very ill-suited to the columns of your excellent paper. To follow him through his long article and notice all his misrepresentations and false statements of facts, would require far more space than could be allotted to me or than I could wish to occupy. I will, therefore, attempt only to point out the most prominent errors.

A WELL-LAID PLAN.

The plan adopted by the enemy to capture or kill our beloved commander had been well conceived, and there can be little doubt that information was borne to him by some one as to the position of General Morgan's forces and of his headquarters. Much has been said about Mrs. Lucy Williams' connection with the matter. General Morgan's friends have believed that she was the bearer of this information and the Federals have denied that she was. But this ubiquitous person, who writes history for The Weekly Times, has finally

decided the matter, for he has detailed with wonderful minuteness almost every thought, word, and action of Mrs. Williams, from the time General Morgan dismounted at the home of her mother-in-law, in the afternoon, to the moment when she had led the Federal soldiers back from Bull's Gap to the streets of Greenville the next morning.

It seems to have occurred to this eloquent contributor to the "Annals of the War," while following his heroine through the mud and darkness on her long and lonely ride to the Gap, and her search for General Gillem and his subordinate after reaching there, and while narrating, with such astonishing minuteness, her long interview with them at the Gap, and the conversation with the officers as she guides them and their East Tennessee troops (men who had been born and raised in that very neighborhood and who knew the country a thousand times better than she did) through the fields and by-paths back to Greenville, I say it seems to have occurred to the historian that the reader might ask how it was that he, a soldier in Cantrill's Battalion, could narrate all this so exactly, for towards the conclusion of the thrilling story he informs us—within brackets—that he had "subsequently been told these things by this very officer."

WRONGING HIS COMMANDER'S MEMORY.

But it does not seem to have occurred to him once, while so graphically and minutely narrating all that transpired at Mrs. Williams' supper-table, how great injustice he was doing the memory of his General, as a prudent and sagacious commander, when he makes him give a pass through his lines to the woman who, according to his own statement in another column (and, by the bye, this is one of the few things in his long article that is correct), had been detected, a few weeks previous, almost in the act of bearing information to the

enemy as to the strength and position of his forces, and who, after detection and she had failed in her attempt, "had called down the vengeance of heaven upon General Morgan and vowed she would make him suffer." Every one who knew General Morgan knew him to be one of the most polite and gallant of men, but no one will believe for a moment that he ever allowed himself to be led into such an act as this. But this writer of romances asks that they believe even more than this, for he unhesitatingly asserts that General Morgan actually furnished this woman with a horse to ride through his lines, thus enabling her the more effectually to carry out any evil intentions she might have against himself personally, or against the cause he so much loved. We will see hereafter how much truth there is in the wild statement that this horse was obtained at the camp of Colonel Smith's Battalion.

THE CASE PLAINLY STATED.

The facts of the case are, I suppose, about these: Mrs. Lucy Williams was at the house of her mother-in-law when General Morgan and staff reached there in the afternoon, but some time during the evening her absence was noticed by one of the staff. Upon inquiry they learned that she had really gone, but were informed that when she left she said she was going out to the farm to get watermelons for the party. Knowing the woman's feelings and her past conduct, the staff suspected she might be in some mischief, and it was said that even her mother-in-law expressed her fears that her absence meant no good. This is the statement of facts made at the time, which I have heard frequently since, and which I have never heard contradicted.

I question if any one has ever been disposed to censure General Morgan for making his headquarters at the house

of Mrs. Williams. I do not believe that General Morgan himself questioned the propriety of his doing so, nor do I believe that the idea of changing his quarters once entered his mind. I can not conceive, therefore, why the writer should think it necessary—as he seems to have done—to the completion of his fanciful and overdrawn picture, that he should prepare the long and eloquent chapter in which the General is taken from his comfortable quarters in the town and made to seek others at the camp; but when arrived there and advised by the doctor, solicited by his friends, and threatened by the clouds, he hesitates, and finally, rather than inconvenience the farmer and his sick family, he yields and returns to town.

A RELENTLESS BUT UNINFORMED CRITIC.

I can not speak with certainty, but I do not believe that General Morgan left Mrs. Williams' house that evening and rode to camp for any purpose. The troops he is said to have visited, and in whose camp he intended to make his quarters, were four miles out, and on a different road and in a different direction from that which he purposed to move the next morning. I have no doubt it is true, as the writer himself says, that General Morgan anticipated no attack by the enemy, and I suppose he had every reason to believe that the troops had been stationed in accordance with his orders. I have already stated what these orders were, but let us see what the writer in The Weekly Times says about them.

What should be thought of the soldier who, having assumed the role of historian and military critic, makes a labored effort to tell all he knows about an interesting and important military movement, in which he claims to have participated, and in which effort he assails his superior officers with relentless severity, and yet does not know the position of the com-

mand to which he claims to have belonged; does not know upon which of the several important roads his command was encamped? This eloquent chronicler of the events of this sad day has either been guilty of this inexcusable ignorance or he has wilfully reversed the position of the troops for his own ends, and from the manner in which he has drawn upon his imagination and distorted the facts in other instances, the latter would not be an unreasonable conclusion, certainly.

But he has done more than this. He seems to have thought it necessary that the reputation of one of these commands should be attacked, and hence, while assigning it a false position in the line, he has attempted to besmirch its reputation. I know no reason why I should wish to make a defense of Vaughn's Brigade, nor do I consider that it needs any. There were bad men connected with that command as with all others. The brigade was constantly engaged in active service through the war, its operations extending from the Valley of Virginia to Knoxville, Tennessee. It was one of the last commands to surrender at the close of the war. After Lee's surrender it moved with our brigade (Duke's) to Charlotte, N. C., and was one of the five brigades composing the escort of President Davis from that place to Washington, Georgia, where the brigade was disbanded, after the President had left us, and only one day before our brigade was disbanded at Woodstock, Georgia.

AROUSED BY THE FIRING.

Mr. Ferris says: "Vaughn's Brigade was assigned to duty where the least danger was expected. Our brigade, consisting of the old Morgan men, were encamped on the main road to Bull's Gap, charged with picketing it and all intersecting roads that might be utilized by the enemy in a night march upon us. Giltner's Brigade was on the right and

Vaughn's on the left, thus planting our brigade in the center. Vaughn's line of pickets was confined to the extreme left, and really guarded but a single road. It was a road by which the enemy could reach Greenville in a circuitous way, and one that would, in the event of a general engagement, expose the Unionists to an assault upon their rear by either of our brigades to the right. Hence, our commanding officer felt no fear of an approach by that road, and deemed it safe under the military guardianship of Vaughn's men. The precautions taken by our side were amply sufficient, but the limited confidence placed in the East Tennessee Brigade was the fatal mistake, as the sequel will show."

I shall not tax the patience of your readers by saying much more upon this subject. It must have been seen from what I have said above, not only how untrue is all that I have quoted, but also how ridiculous. The writer has placed the main road to Bull's Gap—the center of the line and the post of danger—in charge of his own command, which, although composed of as good and true men as were in the service, was a small battalion, numbering less than 100 men, while to the right he has placed Giltner's Regiment (not a brigade, as he states), numbering about 400 men, and to the extreme left, on that road where the least danger was expected, was placed Vaughn's Brigade, numbering about 500 men.

But the enemy did come, not by this circuitous way, the Warrensburg Road. The pickets on this road declared they saw no enemy that night, but were aroused the next morning by the firing in town. If the reader will cast his eyes upon the map I think he will see very clearly how the plan adopted by the enemy was executed.

GILLEM'S MIDNIGHT MARCH AND ATTACK.

General Gillem moved out with his whole force from Bull's Gap, which is about fifteen miles from Greenville,

about midnight, and marched to Blue Springs, a point half way between the two places. Here a part of the command—one regiment, it has been said—turned off the road and moved through the woods and by-paths to Greenville, keeping, all the way, between the Bull's Gap and Warrensburg roads. Gillem, having halted long enough at Blue Springs for the regiment to approach the vicinity of Greenville, moved up and attacked Vaughn's Brigade, which was in camp a few miles beyond, so that, while engaging this brigade and attracting the attention of the other forces of General Morgan, the regiment might dash into Greenville and accomplish its mission. These movements were all well-timed, for it was only a few moments after the attack upon Vaughn's Brigade, and the firing was heard there, that the enemy surrounded Mrs. Williams' house and the firing was heard in town. This I know. From the position I occupied at General Arnold's house, intermediate between the two points of attack, we could distinctly hear the firing at both places. That the reader might see how so short a time intervened, was the reason why I narrated so particularly all that transpired that morning at the house of General Arnold. That this regiment reached Greenville in the way I have indicated above, there can be no doubt. Aside from the statement of the pickets that they saw no enemy, we have the facts that troops leaving the Bull's Gap Road at Blue Springs, or at any other point in front of Vaughn's position, must necessarily travel a long and very circuitous route to reach the town by the Warrensburg Road, and if the troops that picketed that road had been far more worthless than Mr. Ferris says Vaughn's Brigade were, there would still have been danger that an alarm would have been given, and General Gillem, considering this fact, would have almost certainly dispatched his East Tennessee troops, who knew the country well, by the other route.

It may be asked why it was that the approach of the enemy by this way, which seems to have been so readily accomplished, and which, to the reader, may now appear so practicable, was not guarded against, either by the order of General Morgan or by Colonel Bradford under his order to picket to the left. Even had it occurred to either of them that the enemy would make so determined an effort to capture or kill General Morgan, it must be remembered that it would have been a very difficult matter to have determined where to post a picket so that it could effectually guard against the approach of the enemy, to a country where there are no public roads and only a few by-paths or neighborhood roads.

COLONEL SMITH'S TRUE POSITION.

In no part of his long communication has the writer shown a greater disregard to the truth than in his violent attack upon Col. Smith. Colonel Smith was second in command to General Morgan, and was actually commanding a brigade, yet Mr. Ferris says that he was in command of General Morgan's body-guard, and that this body-guard had been placed by General Morgan himself within a few hundred yards of his headquarters. He says that on the morning of September 3, 1864, when the Federal troops charged into the town of Greenville and surrounded the headquarters of General Morgan, Colonel Smith, in command of General Morgan's body-guard, was standing within pistol shot of the headquarters, with his command drawn up in line of battle and confronting the enemy, and yet refused to move to the rescue of his General, a terrible charge certainly. General Morgan had no body-guard, and Colonel Smith himself was over one mile from town, and on the opposite (the west) side from where this reckless writer places him—on the same side, indeed, that the enemy entered.

As I have shown elsewhere, the enemy had entered the town and we had heard the firing before Colonel Smith had mounted his horse, and he had then to ride through a field to get to the Rogersville Road, and thence by that road and others to get to the east side of town, a distance of more than two miles. No cavalry had been stationed near town, so he had no troops at his command until those on the Rogersville Road could saddle their horses and ride to town. The nearest of these was Cantrill's Battalion, which Mr. Ferris claims to have belonged to, and which he says himself was four miles out, although he has placed it on another road. The only troops that madetheir appearance at Greenville that morning were the two small battalions of Cantrill and Everitt, together numbering about 150 men.

Whether Colonel Smith should have charged into town after some or all of these troops had reached him, I shall not undertake to say. I make no pretensions to being a military critic. But this much I will say: I do not believe that he would have saved the life of General Morgan by doing so. I am satisfied that the moment when the regiment dashed into town must have been almost simultaneous with the attack on Vaughn's Brigade, and we know it was the firing of the guns at Vaughn's camp that aroused both Colonel Smith and the troops on the Rogersville Road.

All accounts agree in stating that the first seen or known of the enemy in town was when they were in the act of surrounding Mrs. Williams' house, and that the fatal shot was fired a few moments after. Gillem must have moved up to the west side of the town almost as soon as the commands on the Rogersville Road had reached the east side, for Colonel Bradford was driven from the road a few minutes after the first guns were fired. Immediately after the enemy had attacked his front a force appeared in the road in his rear,

and it has been supposed that this was a portion of the force that had left the road at Blue Springs, and which had been instructed to drop into the road after getting to the rear of the camp. Neither Vaughn's Brigade nor Giltner's Regiment came to the town, but reached the Jonesboro Road four or five miles from Greenville.

WHEN MORGAN WAS KILLED.

Of course I can say nothing of the question about which so much has been written—whether or not General Morgan was killed after he had surrendered himself. Many of his friends have believed that he was. The house of Mrs. Williams is surrounded upon three sides by the streets of the town, resting immediately upon and fronting one street, while a street runs upon each side of the house and the long garden in the rear of the house. When the Federals had surrounded the house and garden on three sides, General Morgan ran down from his room into the cellar, where he remained a few minutes and then moved out into the garden and attempted to hide in the grapevine arbor, but was soon discovered and shot by a soldier sitting on his horse in the street. There can be no question but that General Morgan's body was most shamefully treated, for it was reported by those who witnessed the fact that the fence was torn down and the body dragged into the street, and then thrown across a horse and paraded about the streets of the town, and, according to some accounts, while life was yet in the body.

I hope I have been successful in my effort, which was to make plain to your readers all the facts connected with the death of General Morgan, so far as they came within my knowledge. The writer of the communication in The Weekly Times seems to have been conversant with very few of the facts of this unhappy event. It has been seen how he has

made a brigade out of the few Morgan men with the command, and that with Giltner's Regiment he has made another brigade, while the fact was this regiment and two small battalions, one of which was composed of Morgan men, formed but one brigade. Nor was he any better informed as to the position of the troops, and the manner in which the enemy evaded them, and succeeded in entering the town. Of the important roads the name of Bull's Gap alone is given, and it is doubtful if the name or the existence of either the Rogersville or Warrensburg roads was known to him.

AN EVENT UNIVERSALLY DEPLORED.

Or was it, as has been intimated above might have been the fact, that the troops were placed by him in such positions as might subserve his own purposes in the compilation of his so-called history? Mr. Ferris seems to have set out with the purpose of showing that General Morgan was driven to his death by the incompetency and inefficiency of his subordinates, together with some circumstances over which he had no control, and that nothing that General Morgan himself did or left undone had anything whatever to do with bringing about this terrible result. To make this appear he has in some instances drawn freely upon his fertile imagination, and in others shamefully distorted the facts. To say the least of it, this attempt was wholly unnecessary.

The death of our chief was an event almost universally deplored, and no one lamented more his untimely end than the writer of this, but he knows it was one of those events likely to occur to any general officer operating in the field. Such raids within the enemy's lines had been oftentimes attempted, and many had been successful, although none with such dire results. No chieftain on either side had been more universally successful in these attempts than he whose sad fate we have herein attempted to chronicle.

COLONEL SMITH'S REPLY TO FERRIS.

LOUISVILLE, KY., September 28, 1883.

To the Editor of the Cincinnati Enquirer:

During my absence on public business, a copy of your valuable paper of the 10th inst., containing a communication over the name of F. P. Ferris, copied from the Philadelphia Times, in which I am attacked most violently, was put into my hands by a friend.

Mr. Ferris, to the best of my recollection, is a man I never heard of before his communication appeared in print, and I know nothing of him now except as he reveals his character in the article referred to, and if the people of Kentucky and the true men of the late General Morgan's command were alone to read his slanders, I would treat him and what he has written with the contempt he deserves.

I pronounce every thing of material import that he wrote for The Times, in so far as it relates to me and my official conduct on the morning of General Morgan's death, as without foundation in fact, slanderous, and cowardly. This man charges that, while I was second in command to General Morgan, I was put in charge of a battalion, which was placed about four hundred yards in the rear of Mrs. Williams' house, where General Morgan's headquarters were located, and that I was to act as the commander of the General's body-guard and to protect him in the case of an attack from the enemy. If I were next in command to General Morgan, why should I be placed in command of a battalion and in charge of his body-guard? What nonsense and absurdity! and what a reflection at the same time on the justness of the General. He was a too noble spirit to attempt to dishonor me by putting me in charge of a battalion when I was entitled to the command of a brigade. Further, he was too well acquainted

with me not to know that I should not willingly have submitted to such treatment. No, the troops camped on the hill within four hundred yards of General Morgan's headquarters, to protect him, as stated by Ferris, were not commanded by D. Howard Smith, but by Captain Clark, and constituted no portion of the former's command. They were under the immediate orders of General Morgan himself, and had charge of his artillery. I did not see Captain Clark on that occasion or issue an order to him until after the death of General Morgan. All of Mr. Ferris' gush and stuff about what I said and did after I fell back on Captain Clark's camp is mere romance, a fiction of the imagination. It reads more like a tale from the "Arabian Nights" than history; in fact, there is but little truth in any part of his story. If he had not said in his article that he belonged to Morgan's old command, it would be difficult for the reader to determine whether he was attached to the Federal or Confederate Army, for he seems to have known as much of what was going on at General Gillem's headquarters as at General Morgan's on that fearful night when the plans were laid for the destruction of our knightly chief.

"Who is Mr. Ferris?" Echo answers, "Who?" He may have been one of those fellows who sought to "feather their own nests" in General Morgan's last (June, 1864) raid into Kentucky by their excesses, in the expectation that the General would, out of the abundance of his great heart, treat them leniently. I do not state this as a fact, because I do not know that such is the case. This much, however, I will say, that General Morgan had in his command—especially after his escape from prison—some very wicked and insubordinate men, who did many vile things for which he was in nowise responsible. I do not propose to follow Mr. Ferris through his entire article, and thus dignify a slanderer and

calumniator, but this much I shall, in conclusion, say: I was transferred, at my own request and that of my men, to General Morgan's command in the latter part of February, 1863, and continued there (except while in prison) up to the day of his death. At Snow's Hill, Greasy Creek, Green River Bridge, Lebanon, where Hanson surrendered, and at Buffington Island, in Ohio, where our great chieftain was overtaken by the enemy in overwhelming force, and where I covered his retreat with two small regiments—the Fifth and Sixth Kentucky Cavalry—and held the enemy in check until he escaped and retreated, nearly one week before his capture, never one word of personal or official censure was uttered against me as a man or an officer.

After General Morgan's escape from prison, and after my exchange on the 5th day of March, 1864, we met in the city of Richmond. Here he received orders to go on duty in West Virginia, and established his headquarters at Abingdon, where he instructed me to report to him, and where I very soon after joined him. He found his command a very small one (for most of his old division were in Northern prisons), and not well organized. But with his indomitable will and energy, he went to work and reorganized all of his old men that could be found and recruited others, and soon collected a very fine body of men, though I must say he was unfortunate enough to enlist a few of the worst men in the Confederacy, as the sequel showed, and who afterwards gave him great concern.

But it is not my purpose to write a history of General Morgan's operations in West Virginia, or that of his raid into Kentucky (in June, 1864). Such a course is not necessary for the purposes of this communication. This much, however, I will say: That down to the close of that raid no word of censure or reproach was ever uttered against me,

personally or officially, so far as I have ever heard. Indeed, I know that I did my whole duty as a man and as a faithful soldier. It has, therefore, been reserved to Mr. Ferris, after the lapse of nearly nineteen years, to defame me and make the effort to destroy, by insidious falsehood and base detraction, whatever little of reputation I may have acquired. I turn from him with scorn and contempt, as one unworthy of the smallest consideration. I need no defense among my friends, neighbors, and fellow-citizens who are acquainted with me. In Kentucky, where I was born and reared, and where I have lived my entire life—now for more than sixty years—my reputation has been sufficiently vindicated again and again by public favors and trusts bestowed by the suffrages of her citizens.

Go your own way, Mr. Ferris, with your malice, falsehood, and vituperation. Here is the back of my hand to you as one unworthy of the consideration of a gentleman.

Your obedient servant,

D. HOWARD SMITH.

COLONEL J. B. BROWNLOW'S LETTER TO COLONEL SMITH.

WASHINGTON, D. C., July 10, 1885.

Colonel D. Howard Smith:

DEAR COLONEL—Your letter of the 30th ult. was received, and I was glad to hear from you, and to receive The Philadelphia Weekly Times of May 9, containing Captain Hunt's article. I am not a subscriber to the Times, but occasionally buy it, and it chanced that I got the paper containing Ferris' article. As soon as I read it I saw that gross injustice had been done you, in censuring you as being in the remotest degree to blame for the fatal result to General Morgan of the surprise of his command on the 4th of September. 1864.

From my position, as commander of one of the Union regiments, and one-third of the entire Union force, I know no censure could justly be made of you for the result. In a word, I never knew such ridiculous stuff served up in the name of "war history" as Ferris' article.

Captain Hunt's article seems to me to be substantially correct, in so far as my knowledge and information extend, and his style is felicitous. He does not state it upon his own authority, but as a rumor that the General's body was thrown upon a horse while he was still living. My information at the time, from the men who put his body on the horse, was that he was killed instantly, and as he was shot through the heart with a large ball, I have no doubt he had expired before the men could have torn down the fence and gotten to his body.

General Gillem published letters, copies of which I have, written to him by Messrs. Withers and Rodgers of General Morgan's staff, to the effect that "General Morgan was shot *while endeavoring to escape.*" However, I presume this will ever be a question of dispute between the actors on the two sides.

The information I had from all the persons of the Williams household, white and black, on the morning after the fight, was that General Morgan had not left the house for any purpose after his arrival there. He had ridden twenty-five miles that day over a bad road, from Jonesborough; was weary, and not dreaming or suspecting an attack, it was but natural he should not leave the house during the evening.

All this abuse of Mrs. Lucy Williams as "betraying" General Morgan, and piloting the Federal troops to Greenville, is most unjust and false, as well as the charge that the attack was made because of information she sent to our headquarters. There is not one word of truth in it. She neither came to our camp, nor sent the information which led us to

the attack. I say this, because I know the person who came to our camp on the day before the attack, and whose representations as to the strength of your command induced us to make the march. I know the person, and he is far more competent for such work than Mrs. Williams.

With the exception of about one hundred and twenty-five of the Tenth Michigan Cavalry, all of our men were recruited in the region of country where your and our camps were. I don't believe there was a mile of either of the roads we took going to Greenville from which there was not one or more men in our brigade recruited. We had several hundred men as familiar with every part of the roads as you are with the rooms and halls of your private residence. Therefore, we didn't need Mrs. Williams or any other citizen as a guide.

I will now tell you a fact, which, perhaps, you are not familiar with. When General Gillem's Brigade left Bull's Gap (now called Rogersville Junction) at about ten o'clock P. M., September 3d, 1864, to surprise the Morgan Brigade at Greenville, there was not a man in the brigade, from Gillem down, who knew that General Morgan had returned to Greenville. The person, whose information as to the strength of your forces led us to the attack, left Greenville several hours before General Morgan got there. It is eighteen miles from the Gap to Greenville. About seven miles from Greenville, a white man was seen running from his cabin toward or in the direction of Greenville. We supposed him to be a Confederate sympathizer, hastening to inform your command of our coming. With shouts to him that we would shoot him, unless he stopped, he was brought to. It turned out that he was a friend of ours, a poor man with a small farm, who feared we were Confederates, and that we might harm him or conscript him into the army. It was not light enough for

us to see more than the form of a man indistinctly, and he was too badly frightened to stop to see our uniform, if, indeed, it was light enough. From this man we got the first information we had that General Morgan had returned to Greenville, and had stopped at Mrs. Williams'. Three miles from town we heard the same from a negro woman, named Mary Keenan, whereupon many of the Northern papers have claimed that "the credit for the killing of the famous Confederate Cavalry leader was due to this noble colored woman."

The white man who gave us the information left Greenville after General Morgan arrived at Mrs. Williams'. General Morgan had been dead at least an hour, and I think longer, before General Gillem knew he was dead, and the information of his death was the first information General Gillem had of the fact that he had returned to Greenville at all. I gave him this information in the presence of at least half dozen of the men of my regiment, and of Captain Harry B. Clay, of Morgan's staff, who was my prisoner, and who is now living in East Tennessee. When I told Gillem he could not realize it, and thought I was jesting with him, and would not believe it until after I had reiterated it, and assured him that it was a fact. But the public at large suppose that the whole result, including the surrounding of the Williams residence, for the capture or killing of General Morgan, was planned and agreed upon by General Gillem when we started on the march. The suggestion to surround the Williams residence and capture General Morgan originated with Captain Wilcox, a most daring and energetic officer, who led his company, and that of Captain Northington, to the house.

The plan of General Gillem, when we started, was to surprise and rout Morgan's command, and though the fatal result to General Morgan was realized through the suggestion

of a simple captain to surround the house, yet this result made Gillem in a military point of view. Only a few weeks before, the United States Senate had refused to confirm Gillem's appointment as a Brigadier General of Volunteers. For, or because of the killing of Morgan, he was immediately confirmed Brigadier, soon after made Brevet Major General, and, subsequently, promoted from captain to colonel in the regular army.

Another fact not published is, that Gillem supposed, when this attack was made, that Giltner was in command of the Morgan Brigade.

I knew the uncle of General Morgan, the late Samuel D. Morgan, of Nashville, who died in the latter part of May or June, 1880, and a few weeks before his death I met him in Nashville, and he asked me to give him an account of the affair, saying he had never heard a statement from the Federal side. When I concluded, he requested me to at once write him an open letter, through the Nashville American, repeating what I had told him; but I had to leave Nashville the same evening and did not do so.

For personal reasons, not necessary to mention, I have never made any publication. But at the risk of wearying you with this lengthy communication, I have given you some of the unpublished facts, supposing they would be interesting to you from your connection with the command, and if I ever have the pleasure of meeting you, as I hope to do, will give you the others.

The brigade I belonged to was well drilled, better disciplined than cavalry generally, and as well armed and equipped as any in the service. It was exceedingly lucky in the hour and manner of attack, in completely surprising Morgan's command, and if anybody is to blame for the *surprise* it was General Morgan himself, for not having, from the

beginning of his career, more rigidly enforced *discipline.* Had this been done the pickets might not have been *taken asleep.* With all his virtues as a commander, I am satisfied, from all I have been able to learn of him, that he was not as rigid a disciplinarian as he should have been. But the surprise was so complete that neither Forrest, nor Sheridan, nor any other cavalry officer could have done, if in your place, what Ferris criticises you for not doing.

As you say of yourself, I can say, that many of my warmest friends served in the army I opposed. In fact, many of my near kindred were in it. I have never doubted that they did what they believed to be right, and I have no unkind feelings toward any man who honestly differs from me.

Very respectfully, JOHN B. BROWNLOW.

INCOMPLETE ROLL OF FIFTH KENTUCKY CAVALRY, C. S. A.

The following is an incomplete muster roll of *enlisted men* (privates) belonging to the several companies composing the Fifth Kentucky Cavalry, C. S. A., commanded by Colonel D. Howard Smith. These rolls having been prepared (since the war) by survivors of their respective companies, from memory only, are necessarily incomplete, and fall far short of the actual number of men enlisted. The names of many are not now known, and it has been impossible to obtain them. This is a matter of regret, but unavoidable.

COMPANY A.—(*Woodford County, Ky*).

Allen, Carey,
(Died in service at Sparta, Tenn., November, 1862.)
Amsden, John L.
Berryman, F. P.
Babbitt, S. M.
Brent, J. Harry,
Bishop, R. V.
Bohon, Joseph,
Boone, Hezekiah,
Boone, U. H.
Brown, Ash S.
Burch, Marion,
Craig, James R.
(Died in service at Sweet Water, Tenn., November, 1862.)
Craig, John,
Cooke, Brent,
Coit, Gabe C.
Cotton, Frank ("Tobe"),
Dedman, Louis,
Doggins, Sam C.
Edwards, Waller L.
(Killed at Marrow Bone, Ky., May, 1863.)
Edwards, Wm. H.
Felix, A. L.
Gaines, Noah H.
Gardner, John,
Gillespie, Charles E.
Gorbutt, Joseph,
Gormley, Thomas,
(Wounded at Green River Bridge, July 4, 1863.)
Graddy, Jesse,
Gray, Albert,
(Died a prisoner at Camp Douglas, Illinois.)
Hall, William,
Hall, Willis,
Harrod, John,
Hawkins, Thomas,
Hawkins, Van H.
Headley, James,
(Killed at Green River Bridge, July 4, 1863.)
Hiffner, John,
Hill, John,
Hill, Jeff.
Holt, Carney W.
Hord, Ed.
Jelff, William,
(Died a prisoner at Camp Douglas, Illinois.)
Johnson, Isaac,
(Died in service, October, 1862.)
Johnson, James C.
(Wounded at Lebanon, Ky., July 5, 1863.)

Johnson, John Will.
Johnson, Doc.
Keaton, John,
Kelly, Tom,
Kelly, James,
Lane, Leslie,
Lillard, Eph. T.
Lyons, George B.
McChesney, John,
McCrocklin, Columbus,
McGee, John,
McGee, Robert,
(Died a prisoner at Camp Douglas, Illinois.)
Mastin, Robert G.
Mastin, George H.
Miles, Samuel,
(Killed at Green River Bridge, July 4, 1863.)
Moore, Samuel,
Moore ("Little"), Samuel,
Moore, Leon L.
Nuckols, George,
(Died a prisoner at Rock Island, Ill.)
Orr, James A.
Onan, George,
Onan, Dennis,
(Killed at Green River Bridge, July 4, 1863.)
Pates, Charles L.
Pennington, James W.
Rabb, James,
Redd, Mordecai,
Redd, Thomas,
Scroggin, Ebenezer,
(Killed while a prisoner at Camp Douglas, Ill.)
Scroggin, Alvin,
Sellers, Joseph,
Skillman, Charles L.
Steele, John A.
Stevenson, Charles A.
Stucker, Sylvester,
Stucker, Charles,
Scearce, James,
Stuart, Thomas L.
Stoughton, Norton,
(Wounded at Green River Bridge, July 4, 1863.)
Terrell, Wm. H.
Thomason, Edgar P.
Thompson, G. F.
Thompson, Wilson B.
Thornton, David L.
Thornton, Charles R.
Tomelson, Samuel,
Turtoy, William,
Twyman, Buford W.
Twyman, W. Redd,
Tyler, Charles,
(Died a prisoner at Camp Douglas, Ill.)
Wasson, Charles E.
White, Zack,
Whittington, Hub,
Whittington, Black,
(Died a prisoner of war.)
Williamson, Jeff.
(Wounded at Green River Bridge, July 4, 1863.)
Willis, Robert B.
Winstandley, John,
Wooldridge, Steve,
Wooldridge, Andrew,
Young, Lewis S.

COMPANY B.—(*Scott County, Ky.*)

Arnspiger, Milton,
(Drowned in service.)
Abbott, J. N.
Aubrey, F. M.
Alsop, A. C.
Bramblett, Jonas,
Bramblett, Reuben,
Bramblett, Green,
Burns, George,
Butler, J. M.
Bridges, John W.
Butler Marion,
Carter, Henry,
Chipley, James,

Cannon, H. M.
Cannon, Thomas,
Crim, John,
(Wounded in battle.)
Crim, James,
Crim, Charles,
Curry, Andy,
Crawford, John,
Calvert, W. P.
Calvert, John T.
Douthitt, Thomas,
Douthitt, William,
Dougherty, William,
Dougherty, James,
Evans, D. A.
Fisher, Brockenburry (Judge),
(Killed at Green River Bridge, July 4, 1863.)
Fletcher, Jake,
House, John A.
Howard, Charles,
Johnson, S. T.
(Killed at Green River Bridge, July 4, 1863.)
Johnson, Will.
Johnson, John,
Johnson, William,
Jones, G. W.
Laws, John,
Leach, Kirk,
(Killed in battle.)
Lutrell, James,
Lucas, Lon,
(Killed in battle.)
Long, John,
Lindsay, S. K.
(Died in service.)
McDonald, Roe,
Moss, Marion,
Newton, Thomas,
Onan, George,
Prewitt, Henry P.
(Drowned in service.)
Prewitt, Levi,
Perry, Gran.
Perry, Green,
Perry, Whit,
Robinson, Sandford,
Robinson, John,
Rogers, K.
Sinclair, Ben. T.
Smith, Thad.
Sutton, James,
Tillett, Jesse,
Thomasson, Alvin,
(Drowned in service.)
Thomasson, Joseph H.
Tackett, Alex.
Traylor, Jack,
Triplett, S. B.
Wingate, Lloyd,
Wash, Notley,
(Killed in battle.)
Wigginton, Sandford,
Watson, Larkin,
White, James,
Yates, William.

COMPANY C.—(*Bourbon County, Ky.*)

Allen, George,
Batterton, W. W.
Batterton, James H.
Beck, Peter,
(Killed in service.)
Bedford, Hillory,
Bedford, John,
Bedford, Archie,
Bedford, Aylette,
Bedford, Thomas,
Buckner, Aylette,
Clay, Ike,
Currant, Jesse,
Currant, Newton,
Currant, Will. A.
David, W. H.
David, Mike,
Demitt, James W.
Demitt, James H.
Ewalt, James S.
Fretwell, L. J.
Green, Robert,

Gregory, George,
Godman, Bud,
Graves, James,
Graham, James,
Honey, Jesse,
(Died a prisoner of war.)
Honey, John,
Hanlan, Barney,
Hoover, Buck,
Haley, Henry,
Howard, Thomas,
Hickey, Levi,
Kiser, Bud,
Keller, Green R.
Keller, George,
Kelley, Sim.
(Died in service.)
Kendall, William,
Leer, Gano,
McCarney, Joseph W.
McCarney, James W.
Powell, Robert,
Ravenscraft, L.
Ross, William,
Shawhan, Geo. H., Sr.
Shawhan, Charles,
Sprakes, James,
Sprakes, Ike,
Smith, Noah D.
Stephens, Ambrose,
Sullivan, Press,
Surrizer, Sam.
Tate, James T.
Thomas, Keller,
Wilson, James H.
Wilson, John,
Woodford, Buckner.

COMPANY D.—(*Gallatin County, Ky.*)

Ashwood, ——,
Bell, Webb,
(Killed at Burksville, Ky.)
Bennett, Ham,
Bracht, William,
Bracht, Penn,
Bracht, Lewis,
Bracht, John,
Bruce, Jeff.
Bruner, Moses,
Craig, Thompson,
Conley, Charles,
Conley, Thomas,
Casselman, E. B.
Dethirge, Bird,
Dorman, Martin L.
Dorman, John,
Dergeon, Marsh,
Dunn, Cal.
Eliston, Robert,
(Died in service at Fairfield, Tenn.)
Eliston, Joe T.
Grimsley, William,
Hamilton, John,
Hays, Henry,
Hickson, John O.
Hickson, Will O.
(Killed at Battle of Greasy Creek, Ky., May, 1863.)
Hendron, John,
Hutchinson, John,
Kemper, David,
Kemper, B. C.
Kidrick, Samuel,
Kidrick, William,
Lillard, Joe S.
Lindsey, George,
Lindsey, Valentine,
Lindsey, Jeff.
Miller, William,
Marr, Sam.
Marr, William,
Marr, John J.,
McBee, Wm.
Paine, Newt.
Peak, Henry,
Peak, Elijah,
(Died in prison at Camp Douglas, Illinois.)
Peak, David,

Remington, Sam.
Remington, Al.
Skirvin, John,
Skirvin, Al.
Salmon, W. B.
Storey, Frank,
Swango, J. R.
Swango, Sam.
Spencer, Robert,
Spangler, Ed.
Turley, J. T.
Williams, Thomas,
White, Jake,
Webster, Joe,
Webster, William T.

The foregoing is not a complete list of Company D's original roll. That company had originally over 100 men, and I think 110 or 112 men.

D. HOWARD SMITH.

COMPANY E.—(*Scott County, Kentucky.*)

Chipley, James,
Cooper, Daniel,
Crumbaugh, John,
Crumbaugh, Thornton,
Daviess, James H.
Duncan, Dudley,
Duncan, John,
Devers, Cal.
Devers, John,
Ewing, Thomas,
Fightmaster, Marion,
Graves, D. Howard,
(Died in prison, at Camp Chase, Ohio.)
Graves, John Wallace,
(Killed in battle, at Greasy Creek, Kentucky, May, 1863.)
Hinton, James,
Hinton, Broomfield,
(Died a prisoner of war.)
Johnson, John T.
(Promoted to Adjutant.)
Johnson, William,
(Died a prisoner of war.)
Jarvis, John,
McGrew, Barney,
Moss, Richard,
Moore, J. S.
Moore, W. C.
Neale, Joel M.
Neale, James,
Offutt, William N.
Offutt, Marion,
(Drowned in service.)
Phillips, William,
Pepler, Fred.
Powell, Sanford,
Price, Richard,
Penn, John,
Penn, James,
Payne, Louis D.
Price, John,
(Killed in service.)
Risk, Alf.
(Died a prisoner of war.)
Rogers, Barber,
(Drowned in service.)
Ross, Marion,
Sellers, John,
Southworth, Sim.
Stone, Marshall,
Tribble, Alex.
Vallandingham, George,
Weaver, Casper.

COMPANY F.—(*Anderson County, Kentucky.*)

Aikins, Anderson,
Brooks, Henry,
Boggess, A.
(Killed at Green River Bridge, July 4, 1863.)
Burgan, Samuel,
Black, W. B.
Carlton, James,
(Wounded at Lebanon, Kentucky, July 5, 1863.)
Catlett, J. B.
Cummings, William,
Crossfield, T. J.
Coke, Samuel,
Coke, James,
(Drowned in Caney Fork, Tennessee, 1863.)
Glass, William,
Gee, J. P.
(Transferred to Graves' Battery.)
Herndon, D. W.
Hockersmith, Alex.
(Killed at Green River Bridge, July 4, 1863.)
Hendren, Dick,
(Died a prisoner at Camp Douglass, Illinois.)
Lowens, Chilton,
Lane, William,
McDonald, J. W.
Martin, John,
(Died in service at Fairfield, Tennessee.)
Mason, J. B.
Morgan, V. R.
Moffitt, John,
McClain, William,
Martin, G. A.
Munday, R. S.
McCormick, W. S.
Mitchell, Newton,
Mitchell, Black,
Oliver, P. H.
Oliver, Asa,
Perry, Cris.
Parker, John,
Rumsey, Christopher,
Roach, D. M.
Richards, Joseph,
Sherwood, Albert G.
Stucker, Green,
Stucker, J. H.
Stucker, Lewis,
Sheely, J. W.
Sheely, James,
Shelburn, Thomas,
Stephens, Richard,
Stephens, Frank.
Stone, Watt,
Switzer John,
Thacker, James,
Thacker, Al.
Thacker, E. J.
Thomas, P. H.
Thomas, J. P.
Taylor, Richard,
(Killed in service.)
Utterback, John,
Wash, A. B.
Watson, James,
Watts, Fielding,
Williams, Riley,
Wash, B. A.
York, William,
York, Army,
(Wounded at Greasy Creek, Kentucky, May, 1863.)
York, Ben.

COMPANY G.—(*Grant County, Kentucky.*)

Alphin, James,
Agee, G. W.
(Wounded at Green River Bridge, July 4, 1863.)
Beagle, Ewel,
Burkshire John,
Batchell, Henry,
Bradley, William,
Clark, James M.
Collins, John T.
Campbell, Mit.
Cunningham, James,
Dejarnette, A. G.
(Wounded at Mershon's Cross Roads, Kentucky, Oct., 1862.)
Degman, Dick,
Daugherty, John D.
Frank, Nick,
Fortner, James,
(Died a prisoner of war.)
Hubble, Weller,
Jenkins, ——,
Kendrick, Jos. L.
Lucas, B. P.
Landrum, R. W.
Landrum, Thomas,
Landrum, Richard,
Langenaker, Henry,
Langenaker, Perrin,
Moon, George H.
McNealy, Marsh,
Reamer, Alfred,
Sheriff, Alex.
Sheriff, Andrew,
Simon, Al.
(Died a prisoner of war.)
Simon, Fred.
Summers, H.
Tanner, C. W.
Terrell, Sim.
(Died a prisoner of war.)
Terrell, Joshua,
Terrell, Arthur,
Tupman, Samuel,
Utz, John P.
(Died a prisoner of war.)
Watts, William,
Wortman, Commodore,
(Died a prisoner of war.)

COMPANY H.—(*Anderson County, Kentucky.*)

Austin, R. P.
Bowen, William,
(Died a prisoner of war.)
Coke, James,
Crossfield, John,
Dean, Phil.
Edwards, Sam.
(Wounded in service.)
Gudgel, Elijah,
Hardee, William,
(Wounded at Snow's Hill, Tennessee.)
Hockersmith, James,
(Killed at Green River Bridge, July 4, 1863.)
Jones, Miner,
Kirk, Grif,
(Died a prisoner of war.)
Lane, Joseph,
McClure, A. G.
(Killed in service.)
Mizner, Jordan,
Moore, Dudley,
Moore, Noel,
Moffitt, John,
Parrish, Milton,
Rice, Thomas,
Shryock, Reuben,
Searcey, James M.
Taylor, John T.
(Died a prisoner of war.)
Taylor, Richard,
(Killed in service.)
Thompson, John,
Vaughters, J. D.

Warford, Will.
Walker, Randall,
Witherspoon, N. H.

Captain E. S. Dawson, of Company H., says his company originally numbered about ninety men, but is unable to give a complete list now.

COMPANY ——.—(*Recruited in Southwestern Kentucky.*)

Allison, John,
Beck, J. Elbert,
Brasher, John,
Bozarth, Henry C.
Boydnott, Joseph,
Cannon, Elijah,
Cannon, George,
Calvert, Wm. M.
Chappell, Hans,
Cummings, William,
Doom, Albert,
Duvall, William H.
Edwards, James,
Gray, Greene,
Gore, J. B. (Flint.)
Gresham, Polk,
Gresham, William L.
Hensen, Francis M.
Hughes, Alexander C.
Johnson, Samuel,
Linn, James C.
Linn, John T.
Martin, Isaac H.
Marshall, John,
McElroy, Geo. H.
Oliver, Cornelius,
Patterson, Brook,
Pool, James Monroe,
Rodgers, John H. C.
Rodgers, John P.
Stone, William J.
(Severely wounded at Cynthiana, Ky., June, 1864.)
Waddlington, Charles.*

* The above company was added to Colonel Smith's Regiment in June, 1863. The commanding officer, Captain Ben. D. Terry, says that his company at that time numbered about fifty men, but is unable to give a complete list now.

DISSENTING OPINION IN COCHRAN vs. JONES.

The undersigned, a minority of the Contesting Board in the case of Cochran vs. Jones, unable to reach the same conclusions arrived at by the majority of that Board, feel it incumbent upon them to state, as briefly as possible, some of the reasons why they can not concur with their associates.

Notwithstanding this Board is regarded as simply passing upon a question of contest, and therefore the proceeding does not partake of the nature of a prosecution in which the respondent is on trial for a criminal offense, yet the effect of an adverse decision to the extent of deprivation of the office is the same as a criminal conviction. Hence it is that we feel all the responsibilities of both judge and jury. Under the solemnity of this view of the questions involved, we can not pronounce the respondent guilty of the charge, for the following reasons:

First. From the testimony before us we do not believe that Thomas C. Jones, within the meaning of the Constitution and laws, accepted a challenge to fight a duel, and thereby rendered himself ineligible to the office of Clerk of the Court of Appeals or forfeited the right to hold office.

It is maintained on the one hand that—1st. Jones verbally accepted a challenge to fight a duel with Dr. Hale, upon its presentation by Woodford; and 2d. That he subsequently did so in a note written by him and borne by Phil. A. Pointer to Woodford.

On the part of the defense it is denied that the verbal response of Jones was an acceptance of the challenge of Hale within the purview of the law, and also that the note addressed by him to Woodford was not intended to be, and was not, in fact and law, an acceptance.

As to the verbal answer, we desire to say that we dissent from the view that the verbal response of Jones was an acceptance of the challenge, and that the constitutional and legal disabilities attached to Jones "*eo instanti.*"

Had the transaction terminated at this point, it might be tenable, but it is in evidence that Woodford declined to receive the verbal answer of Jones as an acceptance, which he had the right to do, and which, in substance and effect, nullified the response of Jones, and left with the understanding that an answer would be sent in writing. But even if it had not been annulled by the declination of Woodford, it would be unjust to conclude it to be binding on any one, considering the circumstances under which the verbal response was made.

Woodford's testimony on this point is as follows: In answer to interrogatory No. 4, in his examination in chief, he says: "I delivered Dr. Hale's note to T. C. Jones; found him in company with W. N. Sweeney and asked him if he accepted. He said he did, and turned to Mr. Sweeney and asked him to act as his friend. Mr. Sweeney replied: 'I can not do so, Jones, as it will debar me from the practice of law.' I then said to Jones: 'I can not accept a verbal answer to Dr. Hale's note.' He then said: 'As soon as I can procure a friend, I will communicate with him.' In about an hour from that time P. A. Pointer came to me in Dr. Hale's office and delivered the following note, etc.:

"'JUNE 6TH, 1869.

"'*Mr. W. Woodford:*

"'Mr. Phil. A. Pointer is my friend. Any arrangement you may make with him will be entirely satisfactory to me.

"'Yours, etc., T. C. JONES.'"

Again, on cross-examination, in reply to interrogatory No. 21, Woodford says in regard to the same interview:

"When I entered the room of Jones he was sitting at table eating his breakfast, and Sweeney was near. When I handed him (Jones) Hale's note he read it, and turned to Sweeney and said: 'Will you act as my friend in this matter?' Sweeney answered and told him that he could not do so, as it would debar him from the practice of law."

In response to a question as to Jones' manner when he received the challenge, he says: "Jones seemed to be very much excited and very much flurried."

This evidence seems to show that Jones impulsively gave an answer accepting the challenge, but that, Woodford declining to receive the same, and demanding one in writing, Jones had time to reflect, and resolved on a different course. Mr. Sweeney testifies that, in addition to informing Jones that he could not take any part in a duel on account of the disabilities it would impose on him as a lawyer, he read to Jones the constitutional and statutory provisions which would affect him (Jones) if he accepted the challenge.

The whole tenor of Jones' subsequent conduct, including his note to Woodford, shows that Sweeney's suggestions on this point determined him not to accept the challenge. He was holding the office of Clerk of the Daviess County Court and a candidate for re-election. Finding that participation in a duel would not only disqualify him as a candidate, but forfeit the office he then held, he sent for his friend Pointer and made known to him the facts, telling him he *could not and would not accept a challenge to fight*, and requested him to go and see Woodford and "try and do away with the matter," giving him a note empowering him to act for him.

The testimony of Pointer upon these points is explicit and stands unimpeached. Equally so is his statement that in his negotiations with Woodford and Hale he first tried to settle the difficulty amicably, but finding them bent on a fight,

he transcended his authority by accepting the challenge, with the determination to conceal, and did conceal, the fact from Jones, as his testimony shows, and take his place, if necessary, in the duel.

It is impossible to disregard this statement of Pointer, presented to us, as it is, as the testimony of a witness of high character, deposing under all of the responsibilities and solemnities of an oath.

If, therefore, Jones gave instructions to Pointer that he was only to direct his efforts to a settlement of the pending difficulty without a duel, and not to commit him to the acceptance of a challenge, as we are bound to believe, then we must acquit Jones of the charge of having, through Pointer, accepted a challenge. Although while he (Pointer) may be said to have been an agent of Jones, yet it can not be successfully maintained that the law of contracts in a case of this kind can be properly applied. The old legal maxim, "*qui facit per alium facit per se*," does not apply to crimes and misdemeanors, except in conspiracies, and, in a qualified sense, to accessories before the fact.

Jones is not amenable to the law for the criminal acts of Pointer. His responsibility must be judged by his own acts and intentions, interpreted by the rules of evidence recognized in courts of law, and not by the technical rules of the so-called Code of Honor.

The note of Jones, borne by Pointer to Woodford, must not be adjudged an acceptance of the challenge merely because its language may assimilate to that sometimes used by duelists. It must be interpreted by the light of the circumstances under which it was sent, and it is competent for Jones to explain its intent and meaning by oral testimony. In support of this view reference is made to the case of *The Commonwealth* v. *Pope*, reported in 3d Dana, 420. In that case

the Court say: "The communications in writing constitute only one species of evidence of the fact that an unlawful challenge has been given or accepted; they may not constitute the whole, or the only, or even the most direct and explicit proof. They may, therefore, when they exist, be explained by or applied or aided by oral evidence, as was decided in the case of *The Commonwealth* v. *Hart.*"

So, therefore, while the verbal answer is explained by the subsequent writing, the note borne by Pointer to Woodford is sufficiently explained by the oral testimony of Pointer and others in the record.

The inquiry as to the guilt of Jones can not be confined to any one act or expression of his, nor can he be deprived of the benefit of all the testimony which may go to show the real facts in the case, or to throw any light upon the subject. The proceedings, from the inception of the difficulty to its termination, must be taken as a whole, and the acts, from the first interview between Jones and Woodford, regarded as a part of the *res gestæ*. The case must be considered as an entirety, and the evidence weighed and considered in that view. This we have endeavored to do, and the result is, that we have reached the conclusion that Jones was not guilty, as charged, of having accepted a challenge to fight a duel.

Second. But even if the testimony were more direct and positive, we do not feel that we could join in the opinion that it would be competent for this Board to deprive the respondent of the office he now holds except upon conviction for the statutory offense, after due trial before a jury of his peers.

The statute creating this Contesting Board empowers it to determine whether the person returned is "legally *qualified.*" (*See Gen. Stat., par.* 8, *sec.* 1, *art.* 7, *chap.* 33, *p.* 388.) It

does not constitute a court of original jurisdiction to inquire, either by information or indictment, into any disabilities which the person returned may have incurred by reason of the violation of any positive law. The legal qualifications, which it is the province of this board to determine, are those prescribed by the Constitution in article 4, section 12, which is as follows: "No person shall be eligible to the office of Clerk of the Court of Appeals, unless he be a citizen of the United States, a resident of the State two years next preceding his election, of the age of twenty-one years, and have a certificate from a judge of the Court of Appeals, or a judge of the Circuit Court, that he has been examined by the clerk of his court, under his supervision, and that he is qualified for the office for which he is a candidate."

This Board are unanimous in their opinion that the respondent Jones has all the prerequisites named in this section, and was, therefore, *eligible* at the time of his candidacy so far as his legal qualifications are defined in this section. But it is claimed that he is disqualified by reason of having accepted a challenge to fight a duel. Of this charge the respondent has purged himself by taking, in open court, the oath prescribed by the Constitution. It is proper, however, that we should say, in this connection, that the majority of the Board are of opinion that the transcript of the record of the Court of Appeals filed in this case, showing that Jones took the constitutional oath when he qualified as clerk of said court on the 8th day of September, 1874, is incompetent evidence, and was excepted to upon the trial of this case, and the exception was sustained by a majority of the Board, and it was excluded by them. But we are of the opinion that it was and is competent evidence. The offense charged is one denounced by the Constitution and by statute as a crime. The penalty specifically fixed in the

former is deprivation of the right to hold any office of honor or profit in this Commonwealth, to which the statute adds fine or imprisonment and loss of suffrage for seven years. Much has been said of the terms "qualifications" and "disqualifications," as used in the Constitution, and it is argued with no little plausibility that they are correlative terms. But from this view we are compelled to dissent. A qualification for an office is a positive requirement, the absence of which renders one ineligible, as, for example, the want of citizenship, residence, proper age, and the possession of a cetificate. These being possessed, the law presumes that the party claimant is qualified—and he is qualified unless he has committed some act which has worked a forfeiture of his right to hold office.

Disqualification, on the other hand, implies, by its very derivation, the previous possession of the qualification; and this being the case, we maintain that a party once invested with this right can not be deprived of it except by due process of law. Disqualification is not the mere absence of qualification. The inseparable participle *dis* implies "privation," and the framers of the Constitution adhered strictly to this philological distinction; for, it will be seen that, in defining qualifications for office, they invariably provided that "no person shall be eligible" to office unless he possesses certain enumerated prerequisites. Persons are disqualified for bribery, perjury, forgery, or other high crimes and misdemeanors, conviction for which is a necessary condition precedent before exclusion from office can follow.

In the case of dueling the provision of the Constitution in section 20, article 8, is as follows: "Any person who shall, after the adoption of this Constitution, either directly or indirectly, give, accept, or knowingly carry a challenge to any person or persons, to fight in single combat with a citizen of

this State, with any deadly weapon, either in or out of the State, shall be *deprived of the right* to hold any office of honor or profit in this Commonwealth, and shall be *punished otherwise* in such manner as the General Assembly may prescribe by law."

Thus it will be seen that, according to any fair construction of the Constitution, dueling is classed as a crime, and the penalty inflicted, in part, is to disqualify the person guilty from holding office; and if a crime, as contended for, we maintain that, both under the Constitution of this State and of the United States, the party must be indicted by a Grand Jury and convicted by a jury of his peers.

To strengthen the foregoing construction we will state that the Revisors of the Statutes, appointed immediately after the adoption of the Constitution, two of whom, ex-Governor Wickliffe and Judge S. Turner, were among the ablest members of the Convention that framed that instrument, incorporated into our laws the following provisions, to-wit:

"1. Whoever shall challenge another to fight in single combat or otherwise, with any deadly weapon, in or out of this State, shall be imprisoned from three to twelve months, or fined five hundred dollars, or both.

"2. Whoever shall accept any such challenge shall be imprisoned from one to six months, or fined two hundred and fifty dollars, or both.

"3. Whoever shall knowingly carry or deliver any such challenge, or consent to be a second to either party in any such duel, shall be imprisoned from ten to thirty days, or fined one hundred and fifty dollars, or both.

"4. Any person *convicted* of either of the offenses named in the three previous sections, shall forfeit any office he may then hold, and be excluded from and held *disqualified* from

receiving and holding any office, and also from exercising the right of suffrage within this Commonwealth for seven years *after the date of his conviction.*" (*General Statutes, chapter* 29, *art.* 20, *page* 350.)

Now if the Constitution was intended to execute itself, as was very ably and learnedly contended for, why was it that the 4th section of the law just quoted was incorporated into our Criminal Code? Most manifestly because it was understood by the Legislature, and the framers of the Constitution, that the disqualifying clause of the Constitution could not be made effectual without indictment, trial, and conviction of the person charged.

Numerous authorities have been cited and relied on to sustain the doctrine opposed to that laid down above, and among the cases quoted are those of *Hall* vs. *Hostetter*, 17*th B. Monroe*, and *Morgan* vs. *Vance*, 4*th Bush*. In the first case we are unable to see any analogy between it and the case under consideration; and the latter opinion quoted is, in our judgment, mere *obiter dicta*—the principles involved in the contest between Cochran and Jones not being before the Court. If it has any application at all to this case, it is only so far as it implies the necessity of taking the dueling oath in order to discharge official duty, and this has been done by respondent Jones, as before stated.

Regarding, therefore, the provision of the Constitution and the statute depriving parties to a duel of the right to hold office as prescribing a punishment rather than imposing a qualification, we hold that in no tribunal except the conscience of the party from whom the oath is required, can this case be tried or a penalty inflicted other than in a court of law. Otherwise, the party charged is deprived of two of the most sacred and inalienable rights belonging to an American

citizen, to-wit: the right of trial by jury, and the right to hold office conferred upon him by the people.

D. HOWARD SMITH, *Auditor.*
JAMES W. TATE, *Treasurer.*

MEMORIAL RESOLUTIONS ADOPTED BY THE "KENTUCKY SOCIETY OF THE SONS OF THE AMERICAN REVOLUTION," AT THEIR FIRST ANNUAL MEETING.

[Courier-Journal, October 20, 1889.]

Recently—that is, within the past year—there has been organized in this State a branch of the Sons of the American Revolution, an organization designed to keep alive the patriotic spirit which animated the men who entered the Continental armies, and successfully combated the well-armed and equipped legions of Great Britain, as well as to preserve all records attainable of matter pertaining to the great revolutionary struggle, promoting at the same time, social intercourse among its members.

The Kentucky branch of this institution held its first annual meeting yesterday at the Board of Trade rooms, the day being the anniversary of the surrender of Lord Cornwallis at Yorktown, Virginia. The officers, who were all present, were:

President—William Lindsay, Frankfort.
Vice President—E. Polk Johnson, Frankfort.
Secretary—John W. Buchanan, Louisville.
Treasurer—Grant Green, Frankfort.
Registrar—Ed. Porter Thompson, Frankfort.
Historian—T. M. Green, Maysville.

Board of Managers—Dr. A. J. Gano, Scott County; Ben. C. Allin, Mercer County; John C. Russell, Dr. Thomas M. Grant, Captain H. I. Todd, Major L. E. Harvie, George A. Lewis, William H. Murray, W. H. Averill, M. D. Averill, Hon. Ira Julian, and Alex. Julian, Frankfort; Governor S. B. Buckner; I. C. Bartlett, Louisville, and Captain Lewis Buckner, Louisville. Two of these gentlemen were placed on the board instead of Colonel D. Howard Smith and Colonel James F. Buckner, both deceased. * * * *

Two committees had previously been appointed to prepare papers expressive of the sense of the society in regard to the death of two of its most prominent members—Colonel D. Howard Smith and Colonel James F. Buckner.

Judge W. P. D. Bush, from the committee appointed on Colonel D. Howard Smith's death, offered the following report:

The committee appointed September 18, 1889, to draft resolutions on the death of Colonel D. Howard Smith, make the following report:

WHEREAS, For the first time since the organization of the Society of the Sons of the Revolution in Kentucky, death has invaded our membership and taken from us one of our most illustrious comrades, Colonel Dabney Howard Smith, who died at his home in Louisville, July 15, 1889; therfore,

"*Resolved*, That in the death of Colonel Smith we recognize a great loss, not alone to his family, his friends, and this society, but to the Commonwealth of Kentucky, which he so long and so faithfully served as legislator, Auditor of Public Accounts, etc.

"*Resolved*, That it is the sense of this society that our deceased comrade embodied in his daily life and in his official career those high characteristics which have made Kentucky illustrious, and gained for her sons the highest meed of praise wherever they have gone; and whether in private life or public station, upon the field of battle, or in the peaceful pur-

suits that succeeded the late war, in which he gained renown among those who knew him best, he was ever the same plain, unassuming gentleman — a native Kentuckian of a type worthy of remembrance and recognition wherever it may be found.

"*Resolved*, That these words, penned by one who knew him well and loved him, are a true reflex of the estimate in which Colonel Smith was held wherever he was known, and they are made a part of these resolutions, to-wit:

"Colonel Smith was a man of great purity of life, endowed with a handsome person and cordial address, and impressed every one with whom he came in contact with a sense of his merit as a gentleman of intellect and personal worth. He was strongly attached to his friends, whose number was co-extensive with the State, and was held in bonds of equal friendship by all who enjoyed his intimate acquaintanceship. In all the elements which go to make up a noble character he was highly gifted, and in his death Kentuckians and Kentucky lose a typical son and brother, while to his family the loss of an affectionate husband and father is indeed irreparable.

"*Resolved*, That these resolutions be spread upon the records of this society, and that a copy thereof be forwarded by the Secretary to the family of our deceased comrade.

"W. P. D. Bush,
"E. Polk Johnson,
"Grant Green,
"*Committee.*"

This report was adopted by a unanimous rising vote, and requested to be published in the daily papers in addition to being spread upon the minutes.

MEMORIAL RESOLUTIONS ADOPTED BY THE GENERAL ASSEMBLY OF KENTUCKY.

The following memorial resolutions were unanimously adopted by the General Assembly of Kentucky, session 1889–90:

WHEREAS, Since the adjournment of the last General Assembly the Hon. D. Howard Smith departed this life at his home in Louisville, Ky.; be it

Resolved by the General Assembly of the Commonwealth of Kentucky, That in the death of D. Howard Smith Kentucky lost one of her most patriotic servants, who had been distinguished in the councils of State and in the field; faithful to every public trust; equal to every occasion, and true in all the relations of private life.

That this resolution be entered on the journal of the General Assembly and that the Secretary of State have a copy of the record engrossed and transmitted to the family of the deceased in expression of our common loss.

This resolution to take effect from and after its passage.